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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020 - 4-column table

Delegations will find attached the text of the four-column document for the above-mentioned proposal, containing the initial positions of the institutions.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020 (Text with EEA relevance)

2023/0090(COD)

10-01-2024 at 15h54

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Formula				
1	2023/0090 (COD)	2023/0090 (COD)	2023/0090 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020	

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	(Text with EEA relevance)	(Text with EEA relevance)	(Text with EEA relevance)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the	Having regard to the opinion of the	Having regard to the opinion of the	

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	European Economic and Social Committee ¹ , 1. OJ C [...], [...], p. [...].	European Economic and Social Committee ¹ , 1. OJ C [...], [...], p. [...].	European Economic and Social Committee ¹ , 1. OJ C [...], [...], p. [...].	
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
9	Whereas:	Whereas:	Whereas:	
Recital 1				
10	(1) Self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC of the European Parliament and of the Council ¹ , that is designed or constructed with the purpose to perform work, ('non-road mobile machinery') might need, whether occasionally or often, to circulate on public roads, mostly to move from one working place to another. 1. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p.	(1) Self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC of the European Parliament and of the Council ¹ , that is designed or constructed with the purpose to perform work, ('non-road mobile machinery') might need, whether occasionally or often, to circulate on public roads, mostly to move from one working place to another. 1. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p.	(1) Self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC of the European Parliament and of the Council ¹ , that is designed or constructed with the purpose to perform work, ('non-road mobile machinery') or towed equipment, not already covered by the scope of Regulation (EU) No 167/2013, Regulation (EU) No 168/2013 or Regulation (EU) 2018/858 , might need, whether occasionally or often, to circulate on public roads, mostly to move from one working	

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	24).	24).	place to another. 1. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).	
Recital 2				
11	(2) Certain aspects of the design and construction of non-road mobile machinery are already covered by Union harmonisation legislation, in particular Regulation (EU) 2016/1628 of the European Parliament and of the Council ¹ , Directive 2000/14/EC of the European Parliament and of the Council ² , Directive 2014/30/EU of the European Parliament and of the Council ³ or Directive 2014/53/EU of the European Parliament and of the Council ⁴ , and Directive 2006/42/EC. 1. Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016,	(2) Certain aspects of the design and construction of non-road mobile machinery are already covered by Union harmonisation legislation, in particular Regulation (EU) 2016/1628 of the European Parliament and of the Council ¹ , Directive 2000/14/EC of the European Parliament and of the Council ² , Directive 2014/30/EU of the European Parliament and of the Council ³ or Directive 2014/53/EU of the European Parliament and of the Council ⁴ , and Directive 2006/42/EC. 1. Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016,	(2) Certain aspects of the design and construction of non-road mobile machinery are already covered by Union harmonisation legislation, in particular Regulation (EU) 2016/1628 of the European Parliament and of the Council ¹ , Directive 2000/14/EC of the European Parliament and of the Council ² , Directive 2014/30/EU of the European Parliament and of the Council ³ or Directive 2014/53/EU of the European Parliament and of the Council ⁴ , and Directive 2006/42/EC. 1. Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016,	

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	p. 53). 2. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors. 3. Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L 96, 29.3.2014, p. 79). 4. Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).	p. 53). 2. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors. 3. Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L 96, 29.3.2014, p. 79). 4. Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).	p. 53). 2. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors. 3. Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L 96, 29.3.2014, p. 79). 4. Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).	
Recital 3				
12	(3) As regards the safety of mobile machinery, Directive 2006/42/EC is the main regulatory act applying to that machinery when placed on the Union market. It sets out essential health and safety requirements covering the off-road travelling function of mobile machinery such as slowing down, stopping, braking, driving positions, restraint systems, etc. However, the essential health and safety requirements, set out in that Directive, are only designed to	(3) As regards the safety of mobile machinery, Directive 2006/42/EC is the main regulatory act applying to that machinery when placed on the Union market. It sets out essential health and safety requirements covering the off-road travelling function of mobile machinery such as slowing down, stopping, braking, driving positions, restraint systems, etc. However, the essential health and safety requirements, set out in that Directive, are only designed to	(3) As regards the safety of mobile machinery, Directive 2006/42/EC is the main regulatory act applying to that machinery when placed on the Union market. It sets out essential health and safety requirements covering the off-road travelling function of mobile machinery such as slowing down, stopping, braking, driving positions, restraint systems, etc. However, the essential health and safety requirements, set out in that Directive, are only designed to	

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	address safety when machinery is at work, but do not cover the safety aspects of this machinery when circulating on public roads.	address safety when machinery is at work, but do not cover the safety aspects of this machinery when circulating on public roads.	address safety when machinery is at work, but do not cover the safety aspects of this machinery when circulating on public roads.	
Recital 4				
13	(4) Due to the absence of harmonised rules on the road safety of non-road mobile machinery, economic operators that produce or make available on the Union market non-road mobile machinery are facing significant costs associated to the different regulatory requirements in the Members States. In addition, the road safety, for that machinery, is not ensured uniformly in the whole territory of the Union. Consequently, it is necessary to establish harmonised rules at Union level with respect to the road safety of non-road mobile machinery.	(4) Due to the absence of harmonised rules on the road safety of non-road mobile machinery, economic operators that produce or make available on the Union market non-road mobile machinery are facing significant costs associated to the different regulatory requirements in the Members States. In addition, the road safety, for that machinery, is not ensured uniformly in the whole territory of the Union. Consequently, it is necessary to establish harmonised rules at Union level with respect to the road safety of non-road mobile machinery.	(4) Due to the absence of harmonised rules on the road safety of non-road mobile machinery, economic operators that produce or make available on the Union market non-road mobile machinery are facing significant costs associated to the different regulatory requirements in the Members States. In addition, the road safety, for that machinery, is not ensured uniformly in the whole territory of the Union. Consequently, it is necessary to establish harmonised rules at Union level with respect to the road safety of non-road mobile machinery.	
Recital 5				
14	(5) For the purposes of the development and operation of the internal market of the Union, it is appropriate to establish a	(5) For the purposes of the development and operation of the internal market of the Union, it is appropriate to establish a	(5) For the purposes of the development and operation of the internal market of the Union, it is appropriate to establish a	

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	harmonised type-approval system for the road safety of non-road mobile machinery intended to circulate on public roads.	harmonised type-approval system for the road safety of non-road mobile machinery intended to circulate on public roads.	harmonised type-approval system for the road safety of non-road mobile machinery clearly intended to circulate on public roads.	
Recital 5a				
14a			(5a) The objective of this Regulation is to address the risks associated with the intended circulation of non-road mobile machinery on public roads. Thus, nonroad mobile machinery that, in practice, will most likely not circulate on public roads should be excluded from the scope of this Regulation.	
Recital 6				
15	(6) Since the purpose of this Regulation is to address the risks stemming from the road circulation of non-road mobile machinery designed and constructed for performing work and not for the transport of persons, animals or goods (except to carry materials that contribute to the operation of the machine), this Regulation should not apply to machinery whose only objective is the mere	(6) Since the purpose of this Regulation is to address the risks stemming from the road circulation of non-road mobile machinery designed and constructed for performing work and not for the transport of persons, animals or goods (except to carry materials that contribute to the operation of the machine), this Regulation should not apply to machinery whose only objective is the mere	(6) Since the purpose of this Regulation is to address the risks stemming from the road circulation of non-road mobile machinery designed and constructed for performing work and not for the transport of persons, animals or goods (except to carry materials that contribute to the operation of the machine), this Regulation should not apply to machinery whose only objective is the mere	

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	transport of persons, animals or goods. All types of new personal mobility devices (stand-up and seated e-scooters, electrically assisted pedal cycles including electrically power assisted cycles and those intended for carrying commercial cargo, self-balancing vehicles including self-balancing personal transporters and hoverboards, electric unicycles, electric skateboards and ‘One-wheel’ boards, among others) will therefore not be subject to this Regulation.	transport of persons, animals or goods. All types of new personal mobility devices (stand-up and seated e-scooters, electrically assisted pedal cycles including electrically power assisted cycles and those intended for carrying commercial cargo, self-balancing vehicles including self-balancing personal transporters and hoverboards, electric unicycles, electric skateboards and ‘One-wheel’ boards, among others) will therefore not be subject to this Regulation.	transport of persons, animals or goods. All types of new personal mobility devices (stand-up and seated e-scooters, electrically assisted pedal cycles including electrically power assisted cycles and those intended for carrying commercial cargo, self-balancing vehicles including self-balancing personal transporters and hoverboards, electric unicycles, electric skateboards and ‘One-wheel’ boards, among others) will therefore not be subject to this Regulation.	
Recital 7				
16	(7) Given the purpose of this Regulation to address road circulation of non-road mobile machinery designed and constructed for performing work, and not to transport workers, mobile machinery which is equipped with more than three seating positions, including the driver’s seating position, should also be excluded from this Regulation.	(7) Given the purpose of this Regulation to address road circulation of non-road mobile machinery designed and constructed for performing work, and not to transport workers, mobile machinery which is equipped with more than three seating positions, including the driver’s seating position, should also be excluded from this Regulation.	(7) Given the purpose of this Regulation to address road circulation of non-road mobile machinery designed and constructed for performing work, and not to transport workers, mobile machinery which is equipped with more than three seating positions when circulating on public roads , including the driver’s seating position, should also be excluded from this Regulation.	
Recital 7a				

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16a			(7a) This Regulation should cover only non-road mobile machinery that is placed on the Union market for the first time and is either new non-road mobile machinery made by a manufacturer established in the Union or non-road mobile machinery, whether new or second-hand, imported from a third country.	
Recital 7b				
16b			(7b) This Regulation should apply to non-road mobile machinery intended to circulate on public roads irrespective of how the machinery is powered and, therefore, should also apply to electric and hybrid machinery. This Regulation should be without prejudice to the electric safety requirements related to electric drives laid down by Regulation (EU) 2023/1230 of the European Parliament and of the Council.	
Recital 7c				
16c				

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			(7c) Field tests allow machinery to be tested in real life situations, such as on agricultural lands or on appropriate construction sites, before it is widely introduced, thereby allowing faster and better improvements. In order for manufacturers to carry out field tests, which are inherent to the machine development process, the temporary placing on the market of non-road mobile machinery that has not yet been EU type approved should be allowed. Accordingly, the temporary placing on the market of non-road mobile machinery for the purpose of field-testing prototypes should be excluded from the scope of this Regulation, and such temporary placing on the market should be allowed.	
Recital 8				
17	(8) Slow non-road mobile machinery is the majority of the non-road mobile machinery market. In addition, some Member States have established a road circulation speed limit for non-road	(8) Slow non-road mobile machinery is the majority of the non-road mobile machinery market. In addition, some Member States have established a road circulation speed limit for non-road	(8) Slow non-road mobile machinery is the majority of the non-road mobile machinery market. In addition, some Member States have established a road circulation speed limit for non-road	

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	mobile machinery at 40 km/h. Moreover, as road safety risks are proportional to the road speed, it would not be coherent for a framework, that addresses safety risks only for non-road mobile machinery and not for regular vehicles to cover fast non-road mobile machinery. This Regulation should therefore not apply to mobile machinery with a maximum design speed of more than 40 Km/h.	mobile machinery at 40 km/h. Moreover, as road safety risks are proportional to the road speed, it would not be coherent for a framework, that addresses safety risks only for non-road mobile machinery and not for regular vehicles to cover fast non-road mobile machinery. This Regulation should therefore not apply to mobile machinery with a maximum design speed of more than not exceeding 6 km/h or exceeding 40 km/h.	mobile machinery at 40 km/h. Moreover, as road safety risks are proportional to the road speed, it would not be coherent for a framework, that addresses safety risks only for non-road mobile machinery and not for regular vehicles to cover fast non-road mobile machinery. This Regulation should therefore not apply to mobile machinery with a maximum design speed of more than 40 Km/h.	
Recital 8a				
17a		(8a) This Regulation should cover non-road mobile machinery intended for circulation on public roads and that is placed for the first time on the Union market from [OP: please insert the date = the date of application of this Regulation], regardless of whether they are new non-road mobile machinery, placed on the Union market by a manufacturer established in the Union, or non-road mobile machinery, whether new or second-hand, imported from a third country.		

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Recital 9				
18	(9) Individual approvals can be of use for machinery that is circulating in the territory of only one Member State and therefore such approvals should be excluded from the scope of this Regulation.	(9) Individual approvals National schemes for road circulation authorisation can be of use for machinery in limited numbers or for very specific applications that is circulating in the territory of only one Member State. In some Member States, those schemes may include a set of requirements and procedures and result in an approval. In other Member States, the machinery may not be subject to any such rules as a condition for its circulation on public roads. Given that small and medium sized enterprises generally produce non-road mobile machinery in number of units that are made available on the market, registered or entered into service not exceeding, per year and in each Member State, 50 units of a type, it is appropriate to allow for such national approval schemes. National schemes can also adapt better to the particularities of each Member State in the specific machinery such as those	(9) Individual approvals can be of use for machinery that is circulating in the territory of only one Member State and therefore such approvals should be excluded from the scope of this Regulation. These individual approvals should be granted in accordance with national legislation.	

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		for civil protection purposes, fire services or used primarily in quarries or airports. Therefore EU approval and therefore such approvals should not be mandatory in such cases . The manufacturer of non-road mobile machinery, regardless of the number of units, should however be able to apply for an EU type-approval or an EU individual approval in order to benefit from the free movementbe excluded from the scope of this Regulation.		
Recital 10				
19	(10) Given that small and medium enterprises produce non-road mobile machinery in small series, of which the number of units that are made available on the market, registered or entered into service do not exceed, per year and in each Member State, 50 units per that type, it is appropriate to allow for national small series type-approval and should be therefore excluded from the scope of this Regulation. The manufacturer, should, however, be able to apply for an EU type-approval in order to	<i>deleted</i>	(10) Given that small and medium enterprises produce non-road mobile machinery in small series, of which the number of units that are made available on the market, registered or entered into service do not exceed, per year and in each Member State, 50 80 units per that type, it is appropriate to allow for national small series type-approval and such type-approval should be therefore excluded from the scope of this Regulation. The manufacturer, should, however, be able to apply for an EU type-	

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	benefit from the free movement.		approval in order to benefit from the free movement.	
Recital 11				
20	(11) Given that, in certain instances, non-road mobile machinery, due to its excessive dimensions, would not allow for sufficient manoeuvrability on public roads or, due to its excessive weight or masses, could damage the surface of public roads or other road infrastructure, it is appropriate to provide the discretion to Member States to prohibit the circulation of such machinery, even if it has been type-approved in accordance with this Regulation.	(11) Given that, in certain instances, non-road mobile machinery, due to its excessive dimensions, would not allow for sufficient manoeuvrability on public roads or, due to its excessive weight or masses, could damage the surface of public roads or other road infrastructure or, due to its automated driving systems for on-road use , it is appropriate to provide the discretion to Member States to prohibit the circulation on the public road or the registration of such machinery, even if it has been type-approved in accordance with this Regulation.	(11) Given that, in certain instances, non-road mobile machinery, due to its excessive dimensions, would not allow for sufficient manoeuvrability on public roads or, due to its excessive weight or masses masses, axle loads or ground contact pressure , could damage the surface of public roads or other road infrastructure, it is appropriate to provide the discretion to Member States to prohibit the circulation of such machinery, even if it has been type-approved in accordance with this Regulation.	
Recital 12				
21	(12) In order to minimise the risk of injury to persons and of damage to road infrastructure, while a non-road mobile machinery is circulating on a public road, technical requirements should be set out. The technical requirements	(12) In order to minimise the risk of injury to persons and of damage to road infrastructure, while a non-road mobile machinery is circulating on a public road, technical requirements should be set out.– The technical	(12) In order to minimise the risk of injury to persons and of damage to road infrastructure, while a non-road mobile machinery is circulating on a public road, technical requirements should be set out. The technical requirements	

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	should include subjects relating to road safety such as vehicle structure integrity, maximum design speed, speed governor, speed limitation devices and speedometer, braking devices, steering, field of vision, and masses and dimensions	requirements should include subjects relating to road safety such as vehicle structure integrity, maximum design speed, speed governor, speed limitation devices and speedometer, braking devices, steering, field of vision, and masses and dimensions. The technical requirements should take into account differences between the machinery function and the on-road use function of the non-road mobile machinery. This Regulation should apply to non-road mobile machinery irrespective of the propulsion system (for example electric or hybrid ones). As non-road mobile machinery could be both with or without a driver, the technical requirements should also cover automated driving systems for on-road use.	should include subjects relating to road safety such as vehicle structure integrity, maximum design speed, speed governor, speed limitation devices and speedometer, braking devices, steering, field of vision, and masses and dimensions	
Recital 13				
22	(13) In order to reduce administrative burden for economic operators, this Regulation should allow for the use of components and separate technical units in non-road mobile machinery that have been type-	(13) In order to reduce administrative burden for economic operators, this Regulation should allow for the use of components and separate technical units in non-road mobile machinery that have been type-	(13) In order to reduce administrative burden for economic operators, this Regulation should allow for the use of components and separate technical units in non-road mobile machinery that have been type-	

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	approved in accordance to Regulation (EU) 167/2013 or Regulation (EU) 2018/858.	approved in accordance to Regulation (EU) 167/2013 or Regulation (EU) 2018/858.	approved in accordance to Regulation (EU) 167/2013 or Regulation (EU) 2018/858.	
Recital 14				
23	(14) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market non-road mobile machinery which is in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.	(14) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market non-road mobile machinery which is in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.	(14) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market non-road mobile machinery which is in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.	
Recital 15				
24	(15) With a view to ensure that the procedure for monitoring conformity of production, which is one of the cornerstones of the EU type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an	(15) With a view to ensure that the procedure for monitoring conformity of production, which is one of the cornerstones of the EU type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an	(15) With a view to ensure ensuring that the procedure for monitoring conformity of production, which is one of the cornerstones of the EU type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the	

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	appropriately qualified technical service designated for that purpose.	appropriately qualified technical service designated for that purpose. The sampling rate should be proportionate to the production volumes.	competent authority or by an appropriately qualified technical service, designated for that purpose. Member States should ensure that their approval and market surveillance authorities have the necessary resources, such as sufficient budgetary, human and material resources, including a sufficient number of competent personnel, expertise, procedures and other arrangements for the proper performance of their duties.	
Recital 16				
25	(16) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EU) 2019/1020 of the European Parliament and of the Council ¹ apply to non-road mobile machinery covered by this Regulation and in relation to the aspects addressed or covered by the technical requirements of this Regulation and thereby amend Annex I to that Regulation in order to list, in that Annex, the references	(16) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EU) 2019/1020 of the European Parliament and of the Council ¹ apply to non-road mobile machinery covered by this Regulation and in relation to the aspects addressed or covered by the technical requirements of this Regulation and thereby amend Annex I to that Regulation in order to list, in that Annex, the references	(16) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EU) 2019/1020 of the European Parliament and of the Council ¹ apply to non-road mobile machinery covered by this Regulation and in relation to the aspects addressed or covered by the technical requirements of this Regulation and thereby amend Annex I to that Regulation in order to list, in that Annex, the references	

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	of this Regulation. 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	of this Regulation. 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	of this Regulation. 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	
Recital 16a				
25a		(16a) It is important that, for non-road mobile machinery, there should be an economic operator established in the Union so that market surveillance authorities have someone to whom requests can be addressed, including requests for information regarding a product's compliance with this Regulation, and who can cooperate with market surveillance authorities in making sure that immediate corrective action is taken to remedy instances of non-compliance. The economic operators who should perform those tasks are the manufacturer or an authorised representative mandated by the manufacturer for this purpose. The		

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		manufacturer should ensure that a mandated authorised representative is appointed at all times as long as the manufacturer holds a type-approval according to this Regulation.		
Recital 17				
26	(17) In order to ensure uniform conditions for the implementation of the EU type-approval procedure and certain administrative provisions of this Regulation, 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 Council¹. ¹. 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 powers (OJ L 55, 28.02.2011, p. 13).	(17) In order to ensure uniform conditions for the implementation of the EU type-approval and EU individual approval procedure and certain administrative provisions of this Regulation, 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 Council¹. ¹. [1] 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 powers (OJ L 55, 28.02.2011, p. 13).	(17) In order to ensure uniform conditions for the implementation of the EU type-approval procedure and certain administrative provisions of this Regulation, 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 Council¹. ¹. 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 powers (OJ L 55, 28.02.2011, p. 13).	
Recital 18				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
27	(18) Closer coordination between national authorities through information exchange and coordinated assessments under the direction of a coordinating authority is fundamental in order to ensure a consistently high level of safety and of health within the internal market. It would also lead to more efficient use of scarce resources at national level. For this purpose, an advisory Forum should be established for Member States and the Commission with the objective of promoting best practices, exchanging information and coordinating activities related to the enforcement of this Regulation. Given the establishment of such a Forum and considering its tasks, it should be not be necessary to establish a separate administrative cooperation group. as required by Article 30 (2) of Regulation (EU) 2019/1020. However, the Forum should be considered as an administrative cooperation group for the purposes of the Union Product Compliance Network referred to in Article 29 of that Regulation.	(18) Closer coordination between national authorities through information exchange and coordinated assessments under the direction of a coordinating authority is fundamental in order to ensure a consistently high level of safety and of health within the internal market. It would also lead to more efficient use of scarce resources at national level. For this purpose, an advisory Forum should be established for Member States and the Commission with the objective of promoting best practices, exchanging information and coordinating activities related to the enforcement of this Regulation. Given the establishment of such a Forum and considering its tasks, it should be not be necessary to establish a separate administrative cooperation group. as required by Article 30 (2) of Regulation (EU) 2019/1020. However, the Forum should be considered as an administrative cooperation group for the purposes of the Union Product Compliance Network referred to in Article 29 of that Regulation.	(18) Closer coordination between national authorities through information exchange and coordinated assessments under the direction of a coordinating authority is fundamental in order to ensure a consistently high level of safety and of health within the internal market. It would also lead to more efficient use of scarce resources at national level. For this purpose, an advisory Forum should be established for Member States and the Commission with the objective of promoting best practices, exchanging information and coordinating activities related to the enforcement of this Regulation. Given the establishment of such a Forum and considering its tasks, it should be not be necessary to establish a separate administrative cooperation group. as required by Article 30 (2) of Regulation (EU) 2019/1020. However, the Forum should be considered as an administrative cooperation group for the purposes of the Union Product Compliance Network referred to in Article 29 of that Regulation.	
Recital 19				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
28	(19) In order to supplement this Regulation, 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 harmonisation of the thresholds that may be applied by Member States in relation to the excessive dimensions and masses of non-road mobile machinery, the applicability of the elements of the technical requirements, for laying down detailed technical requirements, test procedures and test methods, for virtual testing, for arrangements with regard to conformity of production and for specifying rules in relation to technical services. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at	(19) In order to supplement this Regulation, 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 harmonisation of the thresholds that may be applied by Member States in relation to the excessive dimensions and masses of non-road mobile machinery, the applicability of the elements of the technical requirements, for laying down detailed technical requirements, test procedures and test methods, for virtual testing, for arrangements with regard to conformity of production and for specifying rules in relation to technical services. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at	(19) In order to supplement this Regulation, 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 harmonisation of the thresholds that may be applied by Member States in relation to the excessive dimensions and masses of non-road mobile machinery, the applicability of the elements of the technical requirements, for laying down detailed technical requirements, test procedures and test methods, for virtual testing, for arrangements with regard to conformity of production and for specifying rules in relation to technical services. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	
Recital 20				
29	(20) Member States should lay down rules on penalties applicable to infringements of this Regulation and make sure that they are implemented. Those penalties should be effective, proportionate and dissuasive.	(20) Member States should lay down rules on penalties applicable to infringements of this Regulation and make sure that they are implemented. Those penalties should be effective, proportionate and dissuasive.	(20) Member States should lay down rules on penalties applicable to infringements of this Regulation and make sure that they are implemented. Those penalties should be effective, proportionate and dissuasive.	
Recital 21				
30	(21) The Commission should report to the European Parliament and the Council on the operation of this Regulation and, based on information provided by Member States, reconsider, if needed, the question of whether to submit an exclusive legislative proposal for the harmonisation of the individual approval system at Union level or extend the transitional period for	(21) The Commission should report to the European Parliament and the Council on the operation of this Regulation and, based on information provided by Member States, reconsider, if needed, the question of whether to submit an exclusive legislative proposal for the harmonisation of the individual approval system at Union level or extend the transitional period for	(21) The Commission should report to the European Parliament and the Council on the operation of this Regulation and, based on information provided by Member States, reconsider, if needed, the question of whether to submit an exclusive legislative proposal for the harmonisation of the individual approval system at Union level or extend the transitional period for	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the national type-approval.	the national type-approval.	the national type-approval.	
Recital 22				
31	(22) In order to enable Member States and national authorities as well as economic operators to prepare for the application of the new rules introduced by this Regulation, a date of application falling after the date of the entry into force should be set. It is also necessary to provide for a transitional period allowing the manufacturers, during that period, to comply with this Regulation and benefit from the free movement or to comply with the relevant national type-approval legislation.	(22) In order to enable Member States and national authorities as well as economic operators to prepare for the application of the new rules introduced by this Regulation, a date of application falling after the date of the entry into force should be set. It is also necessary to provide for a transitional period allowing the manufacturers, during that period, to comply with this Regulation and benefit from the free movement or to comply with the relevant national type-approval legislation.	(22) In order to enable Member States and national authorities as well as economic operators to prepare for the application of the new rules introduced by this Regulation, a date of application falling after the date of the entry into force should be set.– It is also necessary to provide for a transitional period allowing the manufacturers, during that period, to comply with this Regulation and benefit from the free movement or to comply with the relevant national type-approval legislation. The transitional period can only be beneficial under the precondition that Union requirements do not become mandatory at national level before the end of the transitional period. Therefore, without prejudice to the right of Member States to amend their national type-approval legislation and in order to avoid a disproportionate burden on national authorities, technical services and economic operators, Member States should	

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			be able to permit the placing on the market, registration or entry into service of type-approved non-road mobile machinery intended to circulate on public roads in accordance with the relevant national legislation applicable before the date of application of this Regulation.	
Recital 22a				
31a		(22a) With a view to facilitating the adoption of the harmonised European provisions of this Regulation, after its entry into force Member States should refrain from adopting new national technical regulations for the approval of non-road mobile machinery circulating on public roads, as long as they are not aligned with those established in this Regulation.		
Recital 22b				
31b		(22b) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights		

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		of the European Union (the “Charter”). Accordingly, this Regulation should be interpreted and applied with respect to those rights and principles, in particular the right to respect for private and family life, which includes the right to respect for one’s home in accordance with Article 7 of the Charter.		
Recital 23				
32	(23) Since the objective of this Regulation, namely laying down harmonised technical requirements, administrative requirements and procedures for the type-approval of new non-road mobile machinery, while circulating on public roads, as well as the rules and procedures for the market surveillance of such machinery, cannot be sufficiently achieved by the Member States, but can rather, 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	(23) Since the objective of this Regulation, namely laying down harmonised technical requirements, administrative requirements and procedures for the EU type-approval and EU individual approval of new non-road mobile machinery, while circulating on public roads, as well as the rules and procedures for the market surveillance of such machinery, cannot be sufficiently achieved by the Member States, but can rather, 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	(23) Since the objective of this Regulation, namely laying down harmonised technical requirements, administrative requirements and procedures for the type-approval of new non-road mobile machinery, while circulating on public roads, as well as the rules and procedures for the market surveillance of such machinery, cannot be sufficiently achieved by the Member States, but can rather, 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	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	
Formula				
33	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
CHAPTER I				
34	CHAPTER I SUBJECT MATTER, SCOPE AND DEFINITIONS	CHAPTER I SUBJECT MATTER, SCOPE AND DEFINITIONS	CHAPTER I SUBJECT MATTER, SCOPE AND DEFINITIONS	
Article 1				
35	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	
Article 1(1)				
36	1. This Regulation lays down technical requirements, administrative requirements and procedures, for the EU type-approval and placing on the market of non-road mobile machinery intended to circulate on public	1. This Regulation lays down technical requirements, administrative requirements and procedures, for the EU type-approval and EU individual approval, and placing on the market of all new non-road mobile	1. This Regulation lays down technical requirements, administrative requirements and procedures, for the EU type-approval and placing on the market of non-road mobile machinery intended to circulate on public	

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	roads.	machinery intended to circulate on public roads.	roads.	
Article 1(2)				
37	2. This Regulation also lays down rules and procedures for the market surveillance of the non-road mobile machinery.	2. This Regulation also lays down rules and procedures for the market surveillance of the non-road mobile machinery.	2. This Regulation also lays down rules and procedures for the market surveillance of the non-road mobile machinery.	
Article 2				
38	Article 2 Scope	Article 2 Scope	Article 2 Scope	
Article 2(1)				
39	1. This Regulation applies to non-road mobile machinery where it is placed on the market and intended to circulate, with or without a driver, on a public road.	1. This Regulation applies to non-road mobile machinery (‘U-category vehicles’) where it is placed on the market and intended to circulate, with or without a driver, on a public road.	1. This Regulation applies to non-road mobile machinery where it is placed on the market and intended to circulate, with or without a driver, on a public road.	
Article 2(1a)				
39a			1a. This Regulation applies to towed equipment, where it is placed on the market and intended to circulate on public	

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			roads, only to the extent that that equipment is not already covered by the scope of Regulation (EU) No 167/2013, Regulation (EU) No 168/2013 or Regulation (EU) 2018/858.	
Article 2(2), first subparagraph				
40	2. This Regulation does not apply to the following:	2. This Regulation does not apply to the following:	2. This Regulation does not apply to the following:	
Article 2(2), first subparagraph, point (a)				
41	(a) non-road mobile machinery with a maximum design speed exceeding 40 km/h;	(a) non-road mobile machinery with a maximum design speed exceeding 40 km/h;	(a) non-road mobile machinery with a maximum design speed exceeding 40 km/h;	
Article 2(2), first subparagraph, point (aa)				
41a		(aa) non-road mobile machinery with a maximum design speed not exceeding 6 km/h;		
Article 2(2), first subparagraph, point (b)				
42	(b) non-road mobile machinery equipped with more than three seating positions, including the driver's seating position;	(b) non-road mobile machinery equipped with more than three seating positions, including the driver's seating position;	(b) non-road mobile machinery equipped with more than three seating positions when circulating on public roads , including the	

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			driver's seating position;	
Article 2(2), first subparagraph, point (c)				
43	(c) machinery, as defined in Article 2 (a) of Directive 2006/42/EC, primarily intended for the transport of one or more persons or animals, or any goods other than instruments or auxiliaries required for the performance of work, materials resulting from or necessary for the work or for intermediate storage and materials transported on construction sites;	(c) machinery, as defined in Article 2 (a) of Directive 2006/42/EC, primarily intended for the transport of one or more persons or animals, or any goods other than instruments or auxiliaries required for the performance of work, materials resulting from or necessary for the work or for intermediate storage and materials transported on construction sites;	(c) machinery, as defined in Article 2 (a) of Directive 2006/42/EC, primarily intended for the transport of one or more persons or animals, or any goods other than instruments or auxiliaries required for the performance of work, materials resulting from or necessary for the work or for intermediate storage and materials transported on construction sites;	
Article 2(2), first subparagraph, point (d)				
44	(d) vehicles, including motor vehicles, tractors, trailers, two-wheel or three-wheel vehicles, quadricycles and interchangeable towed equipment, falling within the scope of Regulation (EU) No 167/2013, Regulation (EU) No 168/2013 or Regulation (EU) 2018/858;	(d) vehicles, including motor vehicles, tractors, trailers, two-wheel or three-wheel vehicles, quadricycles and interchangeable towed equipment, falling exclusively within the scope of Regulation (EU) No 167/2013, Regulation (EU) No 168/2013 or and/or Regulation (EU) 2018/858;	(d) vehicles, including motor vehicles, tractors, trailers, two-wheel or three-wheel vehicles, quadricycles and interchangeable towed equipment, falling within the scope of Regulation (EU) No 167/2013, Regulation (EU) No 168/2013 or Regulation (EU) 2018/858;	
Article 2(2), first subparagraph, point (e)				

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45	(e) non-road mobile machinery that was placed on the market, registered or entered into service before [OP: please insert the date = the date of application of this Regulation];	(e) non-road mobile machinery that was placed on the market, registered or entered into service before [OP: please insert the date = the date of application of this Regulation];	(e) non-road mobile machinery that was placed on the market, registered or entered into service before [OP: please insert the date = the date of application of this Regulation];	
Article 2(2), first subparagraph, point (f)				
46	(f) individual approvals of non-road mobile machinery for circulating on public roads, granted in accordance with national legislation, and to non-road mobile machinery that complies with that national legislation;	<i>deleted</i>	(f) individual approvals of non-road mobile machinery for circulating on public roads, granted in accordance with national legislation, and to non-road mobile machinery that complies with that national legislation;	
Article 2(2), first subparagraph, point (g)				
47	(g) approvals of non-road mobile machinery produced in small series, for circulating on public roads, granted in accordance with national legislation, and to non-road mobile machinery that complies with that national legislation.	<i>deleted</i>	(g) approvals of non-road mobile machinery produced in small series, for circulating on public roads, granted in accordance with national legislation, and to non-road mobile machinery that complies with that national legislation.	
Article 2(2), first subparagraph, point (ga)				
47a				

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			(ga) non-road mobile machinery intended by the manufacturer to carry out field tests, which are inherent to the machine development process.	
Article 2(2), first subparagraph a				
47b			As regards non-road mobile machinery under individual approval, the manufacturer may, where appropriate, choose to apply for EU type-approval.	
Article 2(2), second subparagraph				
48	As regards non-road mobile machinery produced in small series, the manufacturer may choose either to apply for EU type-approval or to comply with the relevant national legislation referred to in point (g) of the first subparagraph.	<i>deleted</i>	As regards non-road mobile machinery produced in small series, the manufacturer may choose either to apply for EU type-approval or to comply with the relevant national legislation referred to in point (g) of the first subparagraph.	
Article 2(2), second subparagraph, point (a)				
48a		3. For the following non-road mobile machinery, the manufacturer may decide to apply for the EU type-approval,		

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		the EU individual approval or to comply with the relevant national legislation, where appropriate:		
Article 2(2), second subparagraph, point (b)				
48b		(a) non-road mobile machinery where the number of units per type does not exceed 50 per year and in each Member State;		
Article 2(2), second subparagraph, point (c)				
48c		(b) prototypes of non-road mobile machinery used on the road under the responsibility of a manufacturer to perform a specific test programme, provided they have been specifically designed and constructed for that purpose;		
Article 2(2), second subparagraph, point (d)				
48d		(c) non-road mobile machinery designed and constructed for use principally in quarries, port or airport facilities;		
Article 2(2), second subparagraph, point (e)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
48e		(d) vehicles designed and constructed or adapted for use by civil protection, fire services and forces responsible for maintaining public order.		
Article 3				
49	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	
Article 3, first paragraph				
50	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	
Article 3, first paragraph, point (1)				
51	(1) ‘non-road mobile machinery’ means any self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC, that is designed or constructed with the purpose to perform work;	(1) ‘non-road mobile machinery’ means any self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC, that is designed or and constructed with the purpose to perform work;	(1) ‘non-road mobile machinery’ means any self-propelled mobile machinery; with a power drive falling within the scope of Directive 2006/42/EC, that is designed or constructed with the purpose of performing work and might need, whether occasionally or regularly, to circulate on public roads. to perform work;	

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Article 3, first paragraph, point (1a)				
51a		(1a) ‘new non-road mobile machinery’ means a non-road mobile machinery which has never been previously registered or entered into service in the Union;		
Article 3, first paragraph, point (2)				
52	(2) ‘individual approval’ means the certification from an approval authority that a particular non-road machinery, whether unique or not, satisfies the relevant national administrative provisions and technical requirements for national individual approval of non-road mobile machinery;	<i>deleted</i>	(2) ‘individual approval’ means the certification from an approval authority that a particular non-road machinery, whether unique or not, satisfies the relevant national administrative provisions and technical requirements for national individual approval of non-road mobile machinery;	
Article 3, first paragraph, point (3)				
53	(3) ‘non-road mobile machinery produced in small series’ means the national type-approval of a type of non-road mobile machinery of which the number of units that are made available on the market, registered or entered into service cannot exceed, per year and in each Member State, 50 units per that	<i>deleted</i>	(3) ‘non-road mobile machinery produced in small series’ means the national type-approval of– a type of non-road mobile machinery of which the number of units that are made available on the market, registered or entered into service cannot exceed, per year and in each Member State, 50 80 units per that	

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	type;		type;	
Article 3, first paragraph, point (4)				
54	(4) ‘system’ means an assembly of devices combined to perform one or more specific functions in a non-road mobile machinery and that is subject to the technical requirements;	(4) ‘system’ means an assembly of devices combined to perform one or more specific functions in a non-road mobile machinery and that is subject to the technical requirements;	(4) ‘system’ means an assembly of devices combined to perform one or more specific functions in a non-road mobile machinery and that is subject to the technical requirements;	
Article 3, first paragraph, point (5)				
55	(5) ‘component’ means a device that is intended to be part of a non-road mobile machinery that can be type-approved independently of that machinery;	(5) ‘component’ means a device that is intended to be part of a non-road mobile machinery that can be type-approved independently of that machinery;	(5) ‘component’ means a device that is intended to be part of a non-road mobile machinery that can be type-approved independently of that machinery;	
Article 3, first paragraph, point (6)				
56	(6) ‘separate technical unit’ means a device that is intended to be part of a non-road mobile machinery that can be type-approved separately;	(6) ‘separate technical unit’ means a device that is intended to be part of a non-road mobile machinery that can be type-approved separately;	(6) ‘separate technical unit’ means a device that is intended to be part of a non-road mobile machinery that can be type-approved separately;	
Article 3, first paragraph, point (7)				
57	(7) ‘EU type-approval’ means the	(7) ‘EU type-approval’ means the	(7) ‘EU type-approval’ means the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	certification from an approval authority that a type of non-road mobile machinery satisfies the relevant provisions of this Regulation;	certification from an approval authority that a type of non-road mobile machinery satisfies the relevant provisions of this Regulation;	certification from an approval authority that a type of non-road mobile machinery satisfies the relevant provisions of this Regulation;	
Article 3, first paragraph, point (7a)				
57a		(7a) ‘EU individual approval’ means the certification from an approval authority that a particular non-road mobile machinery, whether unique or not, satisfies the relevant provisions of this Regulation;		
Article 3, first paragraph, point (8)				
58	(8) ‘market surveillance authority’ means the authority of a Member State responsible for carrying out market surveillance on the territory of that Member State;	(8) ‘market surveillance authority’ means the authority of a Member State responsible for carrying out market surveillance on the territory of that Member State;	(8) ‘market surveillance authority’ means the authority of a Member State responsible for carrying out market surveillance on the territory of that Member State;	
Article 3, first paragraph, point (9)				
59	(9) ‘approval authority’ means the authority of a Member State, notified to the Commission by that Member State, with competence for all aspects of the type-approval	(9) ‘approval authority’ means the authority of a Member State, notified to the Commission by that Member State, with competence for all aspects of the type-approval	(9) ‘approval authority’ means the authority of a Member State, notified to the Commission by that Member State, with competence for all aspects of the type-approval	

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	of a non-road mobile machinery, for issuing and, if appropriate, for withdrawing or refusing approval certificates, for acting as the contact point for the approval authorities of the other Member States, for designating the technical services, and for ensuring that the manufacturer meets its obligations regarding the conformity of production;	of a non-road mobile machinery, for issuing and, if appropriate, for withdrawing or refusing approval certificates, for acting as the contact point for the approval authorities of the other Member States, for designating the technical services, and for ensuring that the manufacturer meets its obligations regarding the conformity of production;	of a non-road mobile machinery, for issuing and, if appropriate, for withdrawing or refusing approval certificates, for acting as the contact point for the approval authorities of the other Member States, for designating the technical services, and for ensuring that the manufacturer meets its obligations regarding the conformity of production;	
Article 3, first paragraph, point (10)				
60	(10) ‘national authority’ means an approval authority or any other authority involved in and responsible for market surveillance, border control or registration in a Member State in respect of non-road mobile machinery;	(10) ‘national authority’ means an approval authority or any other authority involved in and responsible for market surveillance, border control or registration in a Member State in respect of non-road mobile machinery;	(10) ‘national authority’ means an approval authority or any other authority involved in and responsible for market surveillance, border control or registration in a Member State in respect of non-road mobile machinery;	
Article 3, first paragraph, point (11)				
61	(11) ‘technical service’ means an independent organisation or body designated by the approval authority as a testing laboratory to carry out tests or as a conformity assessment body to carry out the initial assessment and other tests or	(11) ‘technical service’ means an independent organisation or body designated by the approval authority as a testing laboratory to carry out tests or as a conformity assessment body to carry out the initial assessment and other tests or	(11) ‘technical service’ means an independent organisation or body designated by the approval authority as a testing laboratory to carry out tests or as a conformity assessment body to carry out the initial assessment and other tests or	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	inspections, on behalf of the approval authority, it being possible for the approval authority itself to carry out those functions;	inspections, on behalf of the approval authority, it being possible for the approval authority itself to carry out those functions;	inspections, on behalf of the approval authority, it being possible for the approval authority itself to carry out those functions;	
Article 3, first paragraph, point (12)				
62	(12) ‘manufacturer’ means any natural or legal person who manufactures non-road mobile machinery or has non-road mobile machinery designed or manufactured, and markets that machinery under his or her name or trade mark;	(12) ‘manufacturer’ means any natural or legal person who manufactures non-road mobile machinery or has non-road mobile machinery designed or manufactured, and markets that machinery under his or her name or trade mark;	(12) ‘manufacturer’ means any natural or legal person who manufactures non-road mobile machinery or has non-road mobile machinery designed or manufactured, and markets that machinery under his or her name or trade mark;	
Article 3, first paragraph, point (13)				
63	(13) ‘manufacturer's representative for market surveillance’ means any natural or legal person established in the Union who is duly appointed by the manufacturer to carry out the tasks specified in Article 8;	(13) ‘manufacturer's representative for market surveillance’ means any natural or legal person established in the Union who is duly appointed by the manufacturer to carry out the tasks specified in Article 8;	(13) ‘manufacturer's representative for market surveillance’ means any natural or legal person established in the Union who is duly appointed by the manufacturer to carry out the tasks specified in Article 8;	
Article 3, first paragraph, point (14)				
64	(14) ‘importer’ means a natural or legal person established in the Union who places on the market a non-road mobile machinery that	(14) ‘importer’ means a natural or legal person established in the Union who places on the market a non-road mobile machinery that	(14) ‘importer’ means a natural or legal person established in the Union who places on the market a non-road mobile machinery that	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	has been manufactured in a third country;	has been manufactured in a third country;	has been manufactured in a third country;	
Article 3, first paragraph, point (15)				
65	(15) ‘distributor’ means a dealer or any other natural or legal person in the supply chain, other than the manufacturer or the importer, who makes available on the market a non-road mobile machinery;	(15) ‘distributor’ means a dealer or any other natural or legal person in the supply chain, other than the manufacturer or the importer, who makes available on the market a non-road mobile machinery;	(15) ‘distributor’ means a dealer or any other natural or legal person in the supply chain, other than the manufacturer or the importer, who makes available on the market a non-road mobile machinery;	
Article 3, first paragraph, point (16)				
66	(16) ‘economic operator’ means the manufacturer, the manufacturer's representative for market surveillance, the importer or the distributor;	(16) ‘economic operator’ means the manufacturer, the manufacturer's representative for market surveillance, the importer or the distributor;	(16) ‘economic operator’ means the manufacturer, the manufacturer's representative for market surveillance, the importer or the distributor;	
Article 3, first paragraph, point (17)				
67	(17) ‘placing on the market’ means making available a non-road mobile machinery for the first time in the Union;	(17) ‘placing on the market’ means making available a non-road mobile machinery for the first time in the Union;	(17) ‘placing on the market’ means making available a non-road mobile machinery for the first time in the Union;	
Article 3, first paragraph, point (18)				
68	(18) ‘making available on the	(18) ‘making available on the	(18) ‘making available on the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	market' means any supply of a non-road mobile machinery for distribution or use on the market in the course of a commercial activity, whether in return for payment or free of charge;	market' means any supply of a non-road mobile machinery for distribution or use on the market in the course of a commercial activity, whether in return for payment or free of charge;	market' means any supply of a non-road mobile machinery for distribution or use on the market in the course of a commercial activity, whether in return for payment or free of charge;	
Article 3, first paragraph, point (19)				
69	(19) 'entry into service' means the first use, for its intended purpose, in the Union, of a non-road mobile machinery;	(19) 'entry into service' means the first use, for its intended purpose, in the Union, of a non-road mobile machinery;	(19) 'entry into service' means the first use, for its intended purpose, in the Union, of a non-road mobile machinery;	
Article 3, first paragraph, point (20)				
70	(20) 'registration' means the administrative authorisation for the entry into service including for road traffic of a non-road mobile machinery, 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 or temporarily;	(20) 'registration' means the administrative authorisation for the entry into service, in the Union , including for road traffic of a non-road mobile machinery, 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 or temporarily;	(20) 'registration' means the administrative authorisation for the entry into service including for road traffic of a non-road mobile machinery, 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 or temporarily;	
Article 3, first paragraph, point (21)				
71	(21) 'EU type-approval certificate' means the document issued by the	(21) 'EU type-approval certificate' means the document issued by the	(21) 'EU type-approval certificate' means the document issued by the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	approval authority which certifies that a type of non-road mobile machinery is type-approved in accordance with this Regulation;	approval authority which certifies that a type of non-road mobile machinery is type-approved in accordance with this Regulation;	approval authority which certifies that a type of non-road mobile machinery is type-approved in accordance with this Regulation;	
Article 3, first paragraph, point (21a)				
71a		(21a) ‘EU individual approval certificate’ means the document issued by the approval authority which certifies that a particular non-road mobile machinery is individual approved in accordance with this Regulation;		
Article 3, first paragraph, point (22)				
72	(22) ‘certificate of conformity’ means the document issued by the manufacturer, as provided for in this Regulation, which certifies that a produced non-road mobile machinery conforms to the approved type of non-road mobile machinery;	(22) ‘certificate of conformity’ means the document issued by the manufacturer, as provided for in this Regulation,– which certifies that a produced non-road mobile machinery conforms to the approved type of non-road mobile machinery;	(22) ‘certificate of conformity’ means the document issued by the manufacturer, as provided for in this Regulation, which certifies that a produced non-road mobile machinery conforms to the approved type of non-road mobile machinery;	
Article 3, first paragraph, point (23)				
73	(23) ‘non-road mobile machinery type’ means a particular category or class of non-road mobile	(23) ‘non-road mobile machinery type’ means a particular category or class of non-road mobile	(23) ‘non-road mobile machinery type’ means a particular category or class of non-road mobile	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	machinery, including variants and versions of variants of that machinery, that shares in at least the following essential respects:	machinery, including variants and versions of variants of that machinery, that shares in at least the following essential respects:	machinery, including variants and versions of variants of that machinery, that shares in at least the following essential respects aspects:	
Article 3, first paragraph, point (23)(a)				
74	(a) category or class,	<i>deleted</i>	<i>deleted</i>	
Article 3, first paragraph, point (23)(b)				
75	(b) manufacturer,	(b) manufacturer,	(b) manufacturer,	
Article 3, first paragraph, point (23)(c)				
76	(c) type designation given by the manufacturer,	(c) type designation given by the manufacturer,	(c) type designation given by the manufacturer,	
Article 3, first paragraph, point (23)(d)				
77	(d) essential construction and design characteristics,	(d) essential construction and design characteristics,	(d) essential construction and design characteristics,	
Article 3, first paragraph, point (23)(e)				
78	(e) backbone chassis/chassis with side members/articulated chassis	(e) backbone chassis/chassis with side members/articulated chassis	<i>deleted</i>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(obvious and fundamental differences),	(obvious and fundamental differences),		
<i>Article 3, first paragraph, point (23)(f)</i>				
79	(f) axles (number) or tracks (number),	(f) axles (number) or tracks (number);;	<i>deleted</i>	
<i>Article 3, first paragraph, point (23)(g)</i>				
80	(g) in the case of multi-stage built non-road mobile machinery, the manufacturer and the type of the previous stage non-road mobile machinery;	<i>deleted</i>	<i>deleted</i>	
<i>Article 3, first paragraph, point (24)</i>				
81	(24) ‘variant’ means non-road mobile machinery of the same type which does not differ in at least the following respects:	(24) ‘variant’ means non-road mobile machinery of the same type which does not differ in at least the following respects, where applicable :	(24) ‘variant’ means non-road mobile machinery of the same type which does not differ in at least the following respects:	
<i>Article 3, first paragraph, point (24)(a)</i>				
82	(a) body structural concept or type of body work,	(a) body structural concept or type of body work,	(a) body structural concept or type of body work,	
<i>Article 3, first paragraph, point (24)(b)</i>				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
83	(b) stage of completion,	(b) stage of completion,	(b) stage of completion,	
Article 3, first paragraph, point (24)(c)				
84	(c) engine (internal combustion/hybrid/electric/hybrid-electric),	(c) engine propulsion system (internal combustion/hybrid/electric/hybrid ombustion engine/hybrid/electric/hybrid-electric or other),	(c) engine power drive (internal combustion/hybrid/electric/hybrid-electric),	
Article 3, first paragraph, point (24)(d)				
85	(d) operating principle,	(d) operating principle,	(d) operating principle,	
Article 3, first paragraph, point (24)(e)				
86	(e) number and arrangement of cylinders,	<i>deleted</i>	<i>deleted</i>	
Article 3, first paragraph, point (24)(f)				
87	(f) power difference of no more than 30 % (the highest power being no more than 1,3 times the lowest power),	<i>deleted</i>	<i>deleted</i>	
Article 3, first paragraph, point (24)(g)				

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88	(g) cylinder capacity difference of no more than 20 % (the highest figure being no more than 1,2 times the lowest figure),	<i>deleted</i>	<i>deleted</i>	
Article 3, first paragraph, point (24)(h)				
89	(h) powered axles (number, position, interconnection),	(h) powered axles (number, position, interconnection),	(h) powered axles (number, position, interconnection),	
Article 3, first paragraph, point (24)(i)				
90	(i) steered axles (number and position),	(i) steered axles (number and position),	<i>deleted</i>	
Article 3, first paragraph, point (24)(j)				
91	(j) maximum laden mass differing by no more than 10 %,	(j) maximum laden mass differing by no more than 10 %,	<i>deleted</i>	
Article 3, first paragraph, point (24)(k)				
92	(k) transmission (type),	(k) transmission (type),	(k) transmission (type),	
Article 3, first paragraph, point (24)(l)				
93	(l) rollover protection structure,	(l) rollover protection structure protective structures ,	<i>deleted</i>	

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<i>Article 3, first paragraph, point (24)(m)</i>				
94	(m) braked axles (number);	(m) braked axles (number);	<i>deleted</i>	
<i>Article 3, first paragraph, point (25)</i>				
95	(25) ‘version of a variant’ means vehicles which consist of a combination of items shown in the information package;	(25) ‘version of a variant’ means vehicles which consist of a combination of items shown in the information package;	(25) ‘version of a variant’ means vehicles which consist of a combination of items shown in the information package;	
<i>Article 3, first paragraph, point (26)</i>				
96	(26) ‘technical requirements’ means the technical requirements listed in Article 15;	(26) ‘technical requirements’ means the technical requirements listed in Article 15;	(26) ‘technical requirements’ means the technical requirements listed in Article 15;	
<i>Article 3, first paragraph, point (27)</i>				
97	(27) ‘information package’ means the information package referred to in Article 19(4);	(27) ‘information package’ means the information package referred to in Article 19(4);	(27) ‘information package’ means the information package referred to in Article 19(4);	
<i>Article 3, first paragraph, point (28)</i>				
98	(28) ‘holder of EU type-approval’ means the natural or legal person	(28) ‘holder of EU type-approval’ means the natural or legal person	(28) ‘holder of EU type-approval’ means the natural or legal person	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	who applied for EU type-approval and to whom an EU type approval certificate has been issued;	who applied for EU type-approval and to whom an EU type approval certificate has been issued;	who applied for EU type-approval and to whom an EU type approval certificate has been issued;	
Article 3, first paragraph, point (29)				
99	(29) ‘non-road mobile machinery presenting a serious risk’ means non-road mobile machinery that, based on an appropriate risk assessment that takes account of the nature of the hazard and the likelihood of its occurrence, presents a serious risk in relation to the aspects covered by this Regulation;	(29) ‘non-road mobile machinery presenting a serious risk’ means non-road mobile machinery that, based on an appropriate risk assessment that takes account of the nature of the hazard and the likelihood of its occurrence, presents a serious risk in relation to the aspects covered by this Regulation;	(29) ‘non-road mobile machinery presenting a serious risk’ means non-road mobile machinery that, based on an appropriate risk assessment that takes account of the nature of the hazard and the likelihood of its occurrence, presents a serious risk in relation to the its safe circulation on public roads and other aspects covered by this Regulation;	
Article 3, first paragraph, point (30)				
100	(30) ‘recall’ means any measure aimed at achieving the return of non-road mobile machinery that has already been made available to the end-user;	(30) ‘recall’ means any measure aimed at achieving the return of non-road mobile machinery that has already been made available to the end-user;	(30) ‘recall’ means any measure aimed at achieving the return of non-road mobile machinery that has already been made available to the end-user;	
Article 3, first paragraph, point (31)				
101	(31) ‘withdrawal’ means any measure aimed at preventing non-road mobile machinery in the	(31) ‘withdrawal’ means any measure aimed at preventing non-road mobile machinery in the	(31) ‘withdrawal’ means any measure aimed at preventing non-road mobile machinery in the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	supply chain from being made available on the market.	supply chain from being made available on the market.	supply chain from being made available on the market.	
Article 3, first paragraph, point (31a)				
101a		(32) ‘virtual testing method’ means computer simulations, including calculations, to demonstrate that a non-road mobile machinery fulfils the technical requirements without requiring the use of a physical vehicle, system, component or separate technical unit;		
Article 3, first paragraph, point (31b)				
101b		(33) ‘seating position’ means any location capable of accommodating one person seated.		
Article 3a				
101c		Article 3a Vehicle category of non-road mobile machinery		
Article 3a, first paragraph				
101d				

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		For the purposes of this Regulation, the following vehicle category shall apply for all non-road mobile machinery type-approved under this Regulation: ‘category U’.		
Article 3a, second paragraph				
101e		Category U may be divided into subcategories, which will be established by the implementing act referred to in Article 15.		
CHAPTER II				
102	CHAPTER II OBLIGATIONS	CHAPTER II OBLIGATIONS	CHAPTER II OBLIGATIONS	
Article 4				
103	Article 4 Obligations of Member States	Article 4 Obligations of Member States	Article 4 Obligations of Member States	
Article 4(1)				
104	1. Member States shall establish or appoint the authorities competent in matters concerning approval and market surveillance in accordance	1. Member States shall establish or appoint the authorities competent in matters concerning approval and market surveillance in accordance	1. Member States shall establish or appoint the authorities competent in matters concerning approval and market surveillance in accordance	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities.	with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities.	with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities.	
Article 4(1a)				
104a			1a. Member States shall ensure that their approval and market surveillance authorities have the necessary resources for the proper performance of their duties.	
Article 4(2)				
105	2. The notification of the approval and market surveillance authorities shall include their name, address, including electronic address, and area of responsibility. The Commission shall publish on its website a list and details of the approval authorities.	2. The notification of the approval and market surveillance authorities shall include their name, address, including electronic address, and area of responsibility. The Commission shall publish on its website a list and details of the approval and market surveillance authorities.	2. The notification of the approval and market surveillance authorities shall include their name, address, including electronic address, and area of responsibility. The Commission shall publish on its website a list and details of the approval authorities.	
Article 4(3)				
106	3. Member States shall only permit the making available on the market, registration, entry into	3. Member States shall only permit the making available on the market, registration, entry into	3. Member States shall only permit the making available on the market, registration, entry into	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	service or circulation on public roads of non-road mobile machinery that complies with this Regulation.	service or circulation on public roads of non-road mobile machinery that complies with this Regulation.	service or circulation on public roads of non-road mobile machinery that complies with this Regulation.	
Article 4(4)				
107	4. Member States shall not, for the aspects covered by this Regulation, prohibit, restrict or impede the making available on the market, registration, entry into service or circulation on public roads of non-road mobile machinery that complies with this Regulation.	4. Member States shall not, for the aspects covered by this Regulation, prohibit, restrict or impede the making available on the market, registration, entry into service or circulation on public roads of non-road mobile machinery that complies with this Regulation covered by a valid EU type-approval or a valid EU individual approval, without prejudice to Chapter IX.	4. Member States shall not, for the aspects covered by this Regulation, prohibit, restrict or impede the making available on the market, registration, entry into service or circulation on public roads of non-road mobile machinery that complies with this Regulation.	
Article 4(5), first subparagraph				
108	5. By way of derogation from paragraph 4, Member States may limit or prohibit the circulation on public roads of non-road mobile machinery, which satisfies the following criteria:	5. By way of derogation from paragraph 4, Member States may limit or prohibit the circulation on public roads or the registration of non-road mobile machinery that have been approved in accordance with this Regulation, which satisfies the following criteria:	5. By way of derogation from paragraph 4, Member States may limit or prohibit the circulation on public roads of non-road mobile machinery, which satisfies the following criteria:	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 4(5), first subparagraph, point (a)				
109	(a) due to its excessive dimensions, the machinery would not allow for sufficient manoeuvrability on public roads; or	(a) due to its excessive dimensions, the machinery would not allow for sufficient manoeuvrability on public roads; or	(a) due to its excessive dimensions, the machinery would not allow for sufficient manoeuvrability on public roads; or	
Article 4(5), first subparagraph, point (b)				
110	(b) due to its excessive weight or masses, the machinery could damage the surface of public roads or other road infrastructure.	(b) due to its excessive masses axle loads or ground contact pressure weight or masses , the machinery could damage the surface of public roads or other road infrastructure-;	(b) due to its excessive weight or masses, axle loads and ground contact pressure , the machinery could damage the surface of public roads or other road infrastructure, unless, in order to limit or prohibit circulation on public roads, one of these parameters is below the threshold established by Member States.	
Article 4(5), first subparagraph, point (ba)				
110a		(c) due to its automated or remotely operated driving system for on-road use, it is subject to restrictions in the national traffic law; or		
Article 4(5), second subparagraph				
111				

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	The Commission is empowered to adopt delegated acts in accordance with Article 47 to supplement this Regulation establishing the thresholds values, including for the machinery's maximum road laden mass, beyond which the non-road mobile machinery's dimensions, weight and masses are considered as excessive in the meaning of point (a) and (b) of the first subparagraph. These delegated acts may establish the categories or classes of non-road machinery concerned.	The Commission is empowered to shall adopt delegated implementing acts in accordance with Article 47 to supplement this Regulation establishing 46 setting out the thresholds values, including for the machinery's maximum road laden mass axle loads or ground contact pressure , beyond which the non-road mobile machinery's dimensions, weight and masses are considered as excessive in the meaning of point (a) and (b) of the first subparagraph. These delegated implementing acts may establish the categories or classes subcategories of non-road machinery concerned.	The Commission is empowered to adopt delegated acts in accordance with Article 47 to supplement this Regulation establishing the thresholds values, including for the machinery's maximum road -laden mass on road , beyond which the non-road mobile machinery's dimensions, weight and masses, axle loads and ground contact pressure are considered as excessive in the meaning of point (a) and (b) of the first subparagraph. These delegated acts may establish the categories or classes of non-road machinery concerned.	
Article 4(6)				
112	6. Member States shall organise and carry out market surveillance activities and controls of non-road mobile machinery entering the market in accordance with Chapters IV, V and VII of Regulation (EU) 2019/1020.	6. Member States shall organise and carry out market surveillance activities and controls of non-road mobile machinery entering the market in accordance with Chapters IV, V and VII of Regulation (EU) 2019/1020.	6. Member States shall organise and carry out market surveillance activities and controls of non-road mobile machinery entering the market in accordance with Chapters IV, V and VII of Regulation (EU) 2019/1020.	
Article 4(6a)				
112a				

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		7. Member States shall take the necessary measures to ensure that market surveillance authorities are entitled, in accordance with national law, to enter the premises of economic operators on their territory and to take any necessary samples of non-road mobile machinery for the purpose of compliance testing.		
Article 5				
113	Article 5 Obligations of approval authorities	Article 5 Obligations of approval authorities	Article 5 Obligations of approval authorities	
Article 5(1)				
114	1. Approval authorities shall ensure that manufacturers applying for EU type-approval comply with their obligations under this Regulation.	1. Approval authorities shall ensure that manufacturers applying for EU type-approval comply with their obligations under this Regulation.	1. Approval authorities shall ensure that manufacturers applying for EU type-approval comply with their obligations under this Regulation.	
Article 5(2)				
115	2. Approval authorities shall approve only such non-road mobile machinery that satisfy the requirements of this Regulation.	2. Approval authorities shall approve only such non-road mobile machinery that satisfy the requirements of this Regulation.	2. Approval authorities shall approve only such non-road mobile machinery that satisfy the requirements of this Regulation.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 5(3)				
116	3. Approval authorities shall carry out their duties under this Regulation independently and impartially. They shall cooperate efficiently and effectively, and shall share information relevant to their role and functions.	3. Approval authorities shall carry out their duties under this Regulation independently and impartially. They shall cooperate efficiently and effectively, and shall share information relevant to their role and functions.	3. Approval authorities shall carry out their duties under this Regulation independently and impartially. They shall cooperate efficiently and effectively, and shall share information relevant to their role and functions.	
Article 5(3a)				
116a		4. For the purpose of enabling market surveillance authorities to carry out checks, approval authorities shall make available to market surveillance authorities the necessary information related to the type-approval of the non-road mobile machinery that is subject to compliance verification checks. That information shall include at least the information included in the EU type-approval certificate and its attachments. Approval authorities shall provide that information to the market surveillance authorities within a maximum of 2 months.		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 5(3b)				
116b		5. Where an approval authority has been informed in accordance with Chapter IX that a non-road mobile machinery is suspected of presenting a risk or of being in non-compliance, it shall take all necessary measures to review the type-approval granted and, where appropriate, correct or withdraw the type-approval depending on the reasons and the seriousness of the deviations demonstrated.		
Article 6				
117	Article 6 General obligations of manufacturers	Article 6 General obligations of manufacturers	Article 6 General obligations of manufacturers	
Article 6(1)				
118	1. Manufacturers shall ensure that non-road mobile machinery that they place on the market belongs to a type that has been granted an EU type-approval and it is designed and manufactured in accordance with that type.	1. Manufacturers shall ensure that non-road mobile machinery that they place on the market belongs to a type that has been granted an EU type-approval and it is designed and manufactured in accordance with that type.	1. Manufacturers shall ensure that non-road mobile machinery that they place on the market belongs to a type that has been granted an EU type-approval and it is designed and manufactured in accordance with that type.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 6(2)				
119	2. Manufacturers shall ensure that an EU type-approved non-road mobile machinery that they place on the market bears the statutory plate and marking, required by this Regulation, the certificate of conformity accompanies that machinery and the documents, information and instructions for the user have been drawn up as required by this Regulation..	2. Manufacturers shall ensure that an EU type-approved non-road mobile machinery that they place on the market bears the statutory plate and marking, required by this Regulation, the certificate of conformity accompanies that machinery and the documents, information and instructions for the user have been drawn up as required by this Regulation..	2. Manufacturers shall ensure that an EU type-approved non-road mobile machinery that they place on the market bears the statutory plate and marking, required by this Regulation, the certificate of conformity accompanies that machinery and the documents, information and instructions for the user have been drawn up as required by this Regulation..	
Article 6(3)				
120	3. For the purposes of market surveillance, manufacturers established outside the Union shall appoint a single representative established within the Union, which may be the representative referred to in Article 17 or an additional representative. The manufacturer's representative for market surveillance shall perform the tasks specified in the mandate, as provided for in Article 8.	3. For the purposes of market surveillance, manufacturers established outside the Union shall appoint a single representative established within the Union, which may be the representative referred to in Article 17 or an additional representative. The manufacturer's representative for market surveillance shall perform the tasks specified in the mandate, as provided for in Article 8.	3. For the purposes of market surveillance, manufacturers established outside the Union shall appoint a single representative established within the Union, which may be the representative referred to in Article 17 or an additional representative. The manufacturer's representative for market surveillance shall perform the tasks specified in the mandate, as provided for in Article 8.	
Article 6(4)				
121	4. Manufacturers shall indicate	4. Manufacturers shall indicate	4. Manufacturers shall indicate	

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	their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on their non-road mobile machinery or, where that is not possible, on its packaging or in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on their non-road mobile machinery or, where that is not possible, on its packaging or in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on their non-road mobile machinery or, where that is not possible, on its packaging or in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	
Article 6(5)				
122	5. Manufacturers shall be responsible to the 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 non-road mobile machinery.	5. Manufacturers shall be responsible to the 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 non-road mobile machinery.	5. Manufacturers shall be responsible to the 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 non-road mobile machinery.	
Article 6(6)				
123	6. Manufacturers shall ensure that procedures are in place for series production to remain in conformity	6. Manufacturers shall ensure that procedures are in place for series production to remain in conformity	6. Manufacturers shall ensure that procedures are in place for series production to remain in conformity	

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	with the approved type. Changes in design or characteristics of a non-road mobile machinery and changes in the requirements to which that machinery is declared to conform shall be taken into account in accordance with Chapter V.	with the approved type. Changes in design or characteristics of a non-road mobile machinery and changes in the requirements to which that machinery is declared to conform shall be taken into account in accordance with Chapter V.	with the approved type. Changes in design or characteristics of a non-road mobile machinery and changes in the requirements to which that machinery is declared to conform shall be taken into account in accordance with Chapter V.	
Article 6(7)				
124	7. Manufacturers shall ensure that, while an EU type-approved non-road mobile machinery is under their responsibility and is intended to be made available on the market, storage or transport conditions do not jeopardise its conformity with this Regulation.	7. Manufacturers shall ensure that, while an EU type-approved non-road mobile machinery is under their responsibility and is intended to be made available on the market, storage or transport conditions do not jeopardise its conformity with this Regulation.	7. Manufacturers shall ensure that, while an EU type-approved non-road mobile machinery is under their responsibility and is intended to be made available on the market, storage or transport conditions do not jeopardise its conformity with this Regulation.	
Article 6(7a)				
124a		8. Manufacturers shall ensure that their non-road mobile machinery is not designed to incorporate strategies or other means that alter the performance exhibited during test procedures in such a way that they do not comply with this Regulation when operating under conditions that can reasonably be expected		

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		in normal operation.		
Article 7				
125	Article 7 Specific obligations of manufacturers	Article 7 Specific obligations of manufacturers	Article 7 Specific obligations of manufacturers	
Article 7(1), first subparagraph				
126	1. Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that non-road mobile machinery into conformity, to withdraw it or to recall it, as appropriate.	1. Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with the requirements of this Regulation shall immediately take the corrective measures necessary to bring that non-road mobile machinery into conformity, to withdraw it or to recall it, as appropriate.	1. Manufacturers who have sufficient reason to believe that at type-approved non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that non-road mobile machinery into conformity, to withdraw it or to recall it, as appropriate, and to notify the user of that non-conformity.	
Article 7(1), second subparagraph				
127	The manufacturer shall immediately inform the approval authority which granted the EU type-approval, giving details of the non-conformity and of any	The manufacturer shall immediately inform the approval authority which granted the EU type-approval, giving details of the non-conformity and of any	The manufacturer shall immediately inform the approval authority which granted the EU type-approval, giving details of the non-conformity and of any	

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	measures taken.	measures taken.	measures taken.	
Article 7(2)				
128	2. Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the approval and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market to that effect, giving details of the non-conformity and any corrective measures taken.	2. Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the approval and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market to that effect, giving details of the non-conformity risk and any corrective measures taken.	2. Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the approval and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market to that effect, giving details of the non-conformity and any corrective measures taken. Manufacturers shall immediately inform the users via appropriate means.	
Article 7(3)				
129	3. Manufacturers shall keep, at the disposal of the approval authorities, the information package and a copy of the certificates of conformity, for a period of 10 years after the placing on the market of a non-road mobile machinery.	3. Manufacturers shall keep, at the disposal of the approval and market surveillance authorities, the information package and a copy of the certificates of conformity, for a period of 10 years after the placing on the market of a non-road mobile machinery.	3. Manufacturers shall keep, at the disposal of the approval authorities, the information package and a copy of the certificates of conformity, for a period of 10 years after the placing on the market of a non-road mobile machinery.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 7(4), first subparagraph				
130	4. Following a reasoned request from a national authority, manufacturers shall provide that authority through the approval authority with a copy of the EU type-approval certificate translated in a language which can be easily understood by that authority.	4. Following a reasoned request from a national authority, manufacturers shall provide that authority through the approval authority with a copy of the EU type-approval certificate translated in a language which can be easily understood by that authority.	4. Following a reasoned request from a national authority, manufacturers shall provide that authority through the approval authority with a copy of the EU type-approval certificate translated in a language which can be easily understood by that authority.	
Article 7(4), second subparagraph				
131	Manufacturers shall cooperate with the national authority on any action taken in accordance with Article 19 of Regulation (EU) 2019/1020 to eliminate the risks posed by their non-road mobile machinery which have been placed on the market, registered or entered into service.	Manufacturers shall cooperate with the national authority on any action taken in accordance with Article 19 of Regulation (EU) 2019/1020 to eliminate the risks posed by their non-road mobile machinery which have been placed on the market, registered or entered into service.	Manufacturers shall cooperate with the national authority on any action taken in accordance with Article 19 of Regulation (EU) 2019/1020 to eliminate the risks posed by their non-road mobile machinery which have been placed on the market, registered or entered into service.	
Article 7(5), first subparagraph				
132	5. Manufacturers shall examine any complaints they receive relating to risks, suspected incidents or non-compliance issues with the non-road mobile machinery that they have placed on	5. Manufacturers shall examine any complaints they receive relating to risks, suspected incidents or non-compliance issues with the non-road mobile machinery that they have placed on	5. Manufacturers shall examine any complaints they receive relating to risks, suspected incidents or non-compliance issues with the non-road mobile machinery that they have placed on	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the market.	the market.	the market.	
Article 7(5), second subparagraph				
133	In case of a substantiated complaint, manufacturers shall inform their distributors and importers thereof.	In case of a substantiated complaint, manufacturers shall inform their distributors and importers thereof.	In case of a substantiated complaint, manufacturers shall, as soon as possible , inform their distributors and importers thereof.	
Article 7(5), third subparagraph				
134	Manufacturers shall keep a record of complaints referred to in the first paragraph, including for each complaint a description of the issue and the details needed to identify the affected type of non-road mobile machine.	Manufacturers shall keep a record of complaints referred to in the first paragraph, including for each complaint a description of the issue and the details needed to identify the affected type of non-road mobile machine machinery .	Manufacturers shall keep a record of complaints referred to in the first paragraph, including for each complaint a description of the issue and the details needed to identify the affected type of non-road mobile machine.	
Article 8				
135	Article 8 Obligations of manufacturer's representatives concerning market surveillance	Article 8 Obligations of manufacturer's representatives concerning market surveillance	Article 8 Obligations of manufacturer's representatives concerning market surveillance	
Article 8, first paragraph				
136	The manufacturer's representative for market surveillance shall	1. The manufacturer's representative for market	The manufacturer's representative for market surveillance shall	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	perform the tasks specified in the mandate received from the manufacturer. That mandate shall allow a representative to do the following:	surveillance shall perform the tasks specified in the mandate received from the manufacturer. That mandate shall allow a representative to do the following:	perform the tasks specified in the mandate received from the manufacturer. That mandate shall allow a representative to do the following:	
Article 8, first paragraph, point (a)				
137	(a) have access to the information folder referred to in Article 18 and the certificates of conformity;	(a) have access to the information folder referred to in Article 18 and the certificates of conformity;	(a) have access to the information folder referred to in Article 18 and the certificates of conformity;	
Article 8, first paragraph, point (b)				
138	(b) following a reasoned request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a non-road mobile machinery;	(b) following a reasoned request from an approval or market surveillance authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a non-road mobile machinery;	(b) following a reasoned request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a type-approved non-road mobile machinery in accordance with this Regulation ;	
Article 8, first paragraph, point (c)				
139	(c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the serious risk posed by non-road mobile machinery	(c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the serious risk posed by in accordance with Chapter	(c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the serious risk posed by non-road mobile machinery	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	covered by their mandate.	IX of this Regulation relating to non-road mobile machinery covered by their mandate-;	covered by their mandate.	
Article 8, 1., point (ca)				
139a		(d) immediately inform the manufacturer about complaints and reports relating to risks, suspected incidents or non-compliance issues that relate to non-road mobile machinery covered by that mandate;		
Article 8, 1., point (cb)				
139b		(e) have the right to terminate the mandate without penalty if the manufacturer acts contrary to its obligations under this Regulation.		
Article 8, 1. a				
139c		2. A manufacturer's representative who terminates the mandate on the grounds referred to in point (e) of paragraph 1 shall immediately inform both the approval authority that granted the type-		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		approval and the Commission. The information to be provided shall specify at least:		
Article 8, 1. a, point (a)				
139d		(a) the date of termination of the mandate;		
Article 8, 1. a, point (b)				
139e		(b) the date until which the outgoing manufacturer's representative may be indicated in the information supplied by the manufacturer, including any promotional material;		
Article 8, 1. a, point (c)				
139f		(c) the transfer of documents, including confidentiality aspects and property rights;		
Article 8, 1. a, point (d)				
139g		(d) the obligation of the outgoing manufacturer's representative after the end of the mandate to forward to the manufacturer or		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		incoming manufacturer's representative any complaints or reports about risks and suspected incidents relating to non-road mobile machinery for which the outgoing manufacturer's representative had been designated as manufacturer's representative.		
Article 9				
140	Article 9 General obligations of importers	Article 9 General obligations of importers	Article 9 General obligations of importers	
Article 9(1)				
141	1. Importers shall ensure that non-road mobile machinery that they place on the market belongs to a type that has been granted an EU type-approval and conforms to that type.	1. Importers shall ensure that non-road mobile machinery that they place on the market belongs to a type that has been granted an EU type-approval and conforms to that type.	1. Importers shall ensure that non-road mobile machinery that they place on the market belongs to a type that has been granted an EU type-approval and conforms to that type.	
Article 9(2)				
142	2. Importers shall ensure that an EU type-approved non-road mobile machinery that they place on the market bears the statutory plate and marking, required by this	2. Importers shall ensure that an EU type-approved non-road mobile machinery that they place on the market bears the statutory plate and marking, required by this	2. Importers shall ensure that an EU type-approved non-road mobile machinery that they place on the market bears the statutory plate and marking, required by this	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Regulation, the certificate of conformity accompanies that machinery, the documents, information and instructions for user have been drawn up as required by this Regulation, and the obligations set out in Article 6 (3) and (4), where applicable, have been fulfilled.	Regulation, the certificate of conformity accompanies that machinery, the documents, information and instructions for user have been drawn up as required by this Regulation, and the obligations set out in Article 6 (3) and (4), where applicable, have been fulfilled.	Regulation, the certificate of conformity accompanies that machinery, the documents, information and instructions for user have been drawn up as required by this Regulation, and the obligations set out in Article 6 (3) and (4), where applicable, have been fulfilled.	
Article 9(3)				
143	3. Importers shall indicate their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on the non-road mobile machinery or, where that is not possible, on its packaging or in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	3. Importers shall indicate their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on the non-road mobile machinery or, where that is not possible, on its packaging or in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	3. Importers shall indicate their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on the non-road mobile machinery or, where that is not possible, on its packaging or in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	
Article 9(4)				
144	4. Importers shall ensure that,	4. Importers shall ensure that,	4. Importers shall ensure that,	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	while an EU type-approved non-road mobile machinery is under their responsibility and is intended to be made available on the market, storage or transport conditions do not jeopardise its conformity with the relevant provisions of this Regulation.	while an EU type-approved non-road mobile machinery is under their responsibility and is intended to be made available on the market, storage or transport conditions do not jeopardise its conformity with the relevant provisions of this Regulation.	while an EU type-approved non-road mobile machinery is under their responsibility and is intended to be made available on the market, storage or transport conditions do not jeopardise its conformity with the relevant provisions of this Regulation.	
Article 10				
145	Article 10 Specific obligations of importers	Article 10 Specific obligations of importers	Article 10 Specific obligations of importers	
Article 10(1)				
146	1. Importers shall not make available on the market non-road mobile machinery that is not in conformity with this Regulation, until it has been brought into conformity.	1. Importers shall not make available on the market non-road mobile machinery that is not in conformity with the requirements of this Regulation, until it has been brought into conformity.	1. Importers shall not make available on the market non-road mobile machinery that is not in conformity with this Regulation, until it has been brought into conformity.	
Article 10(2)				
147	2. Importers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall immediately take the	2. Importers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with the requirements of this Regulation	2. Importers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall immediately take the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	corrective measures necessary to bring that non-road mobile machinery into such conformity, to withdraw it or to recall it, as appropriate.	shall immediately take the corrective measures necessary to bring that non-road mobile machinery into such conformity, to withdraw it or to recall it, as appropriate.	corrective measures necessary to bring that non-road mobile machinery into such conformity, to withdraw it or to recall it, as appropriate.	
Article 10(3), first subparagraph				
148	3. Importers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the manufacturer, the approval and the market surveillance authorities of the Member States in which they have placed it on the market or entered it into service.	3. Importers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the manufacturer, the approval and the market surveillance authorities of the Member States in which they have placed it on the market or entered it into service.	3. Importers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the manufacturer, the approval and the market surveillance authorities of the Member States in which they have placed it on the market or entered it into service.	
Article 10(3), second subparagraph				
149	The importer shall also inform them of any action taken and give details of the serious risk and any corrective measures taken by the manufacturer.	The importer shall also inform them of any action taken and give details of the serious risk and any corrective measures taken by the manufacturer.	The importer shall also inform them of any action taken and give details of the serious risk and any corrective measures taken by the manufacturer.	
Article 10(4)				
150				

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	4. Importers shall, for a period of 10 years after the placing on the market of the non-road mobile machinery, keep a copy of the certificate of conformity at the disposal of the approval and market surveillance authorities and shall ensure that the information package can be made available to those authorities, upon request of those authorities.	4. Importers shall, for a period of 10 years after the placing on the market of the non-road mobile machinery, keep a copy of the certificate of conformity at the disposal of the approval and market surveillance authorities and shall ensure that the information package can be made available to those authorities, upon request of those authorities.	4. Importers shall, for a period of 10 years after the placing on the market of the non-road mobile machinery, keep a copy of the certificate of conformity at the disposal of the approval and market surveillance authorities and shall ensure that the information package can be made available to those authorities, upon request of those authorities.	
Article 10(5)				
151	5. Importers shall, following a reasoned request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a non-road mobile machinery in a language which can be easily understood by that authority. Importers shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a non-road mobile machinery which they have placed on the market.	5. Importers shall, following a reasoned request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a non-road mobile machinery in a language which can be easily understood by that authority. Importers shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a non-road mobile machinery which they have placed on the market.	5. Importers shall, following a reasoned request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a non-road mobile machinery in a language which can be easily understood by that authority. Importers shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a non-road mobile machinery which they have placed on the market.	
Article 10(6)				
152	6. Importers shall keep a record of	6. Importers shall keep a record of	6. Importers shall keep a record of	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	complaints and recalls relating to non-road mobile machinery that they have placed on the market, and shall keep their distributors informed of such complaints and recalls.	complaints and recalls relating to non-road mobile machinery that they have placed on the market, and shall keep their distributors informed of such complaints and recalls.	complaints and recalls relating to non-road mobile machinery that they have placed on the market, and shall keep their distributors informed of such complaints and recalls.	
Article 11				
153	Article 11 General obligations of distributors	Article 11 General obligations of distributors	Article 11 General obligations of distributors	
Article 11(1)				
154	1. When making an EU type-approved non-road mobile machinery available on the market, distributors shall act with due care in relation to the relevant provisions of this Regulation.	1. When making an EU type-approved non-road mobile machinery available on the market, distributors shall act with due care in relation to the relevant provisions of this Regulation.	1. When making an EU type-approved non-road mobile machinery available on the market, distributors shall act with due care in relation to the relevant provisions of this Regulation.	
Article 11(2)				
155	2. Before making an EU type-approved non-road mobile machinery available on the market, distributors shall verify that the following conditions have been fulfilled:	2. Before making an EU type-approved non-road mobile machinery available on the market, distributors shall verify that the following conditions have been fulfilled:	2. Before making an EU type-approved non-road mobile machinery available on the market, distributors shall verify that the following conditions have been fulfilled:	
Article 11(2), point (a)				

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156	(a) the non-road mobile machinery bears the statutory plate and marking, required by this Regulation;	(a) the non-road mobile machinery bears the statutory plate and marking, required by this Regulation;	(a) the non-road mobile machinery bears the statutory plate and marking, required by this Regulation;	
Article 11(2), point (b)				
157	(b) the certificate of conformity accompanies that machinery;	(b) the certificate of conformity accompanies that machinery;	(b) the certificate of conformity accompanies that machinery;	
Article 11(2), point (c)				
158	(c) the documents, information and instructions for the user have been drawn up as required by this Regulation;	(c) the documents, information and instructions for the user have been drawn up as required by this Regulation;	(c) the documents, information and instructions for the user have been drawn up as required by this Regulation;	
Article 11(2), point (d)				
159	(d) the obligations set out in Article 6 (3) and (4) and Article 9 (3), where applicable.	(d) the obligations set out in Article 6 (3) and (4) and Article 9 (3), where applicable.	(d) the obligations set out in Article 6 (3) and (4) and Article 9 (3), where applicable.	
Article 11(3)				
160	3. Distributors shall ensure that, while an EU type-approved non-road mobile machinery is under their responsibility, storage or	3. Distributors shall ensure that, while an EU type-approved non-road mobile machinery is under their responsibility, storage or	3. Distributors shall ensure that, while an EU type-approved non-road mobile machinery is under their responsibility, storage or	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	transport conditions do not jeopardise its conformity with this Regulation.	transport conditions do not jeopardise its conformity with this Regulation.	transport conditions do not jeopardise its conformity with this Regulation.	
Article 12				
161	Article 12 Specific obligations of distributors	Article 12 Specific obligations of distributors	Article 12 Specific obligations of distributors	
Article 12(1)				
162	1. Where distributors have sufficient reason to believe that non-road mobile machinery is not in conformity with this Regulation, they shall inform thereof the manufacturer, the importer and the approval authority that granted the EU type-approval, and shall not make available on the market that machinery until it has been brought into conformity.	1. Where distributors have sufficient reason to believe that non-road mobile machinery is not in conformity with this Regulation, they shall inform thereof the manufacturer, the importer and the approval authority that granted the EU type-approval, and shall not make available on the market that machinery until it has been brought into conformity.	1. Where distributors have sufficient reason to believe that non-road mobile machinery is not in conformity with this Regulation, they shall inform thereof the manufacturer, the importer and the approval authority that granted the EU type-approval, and shall not make available on the market that machinery until it has been brought into conformity.	
Article 12(2)				
163	2. Distributors who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall inform the manufacturer, the	2. Distributors who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall inform the manufacturer, the	2. Distributors who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall inform the manufacturer, the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	importer and the approval authority that granted the EU type-approval.	importer and the approval authority that granted the EU type-approval.	importer and the approval authority that granted the EU type-approval.	
Article 12(3), first subparagraph				
164	3. Distributors who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk, shall immediately inform the manufacturer, the importer and the approval and the market surveillance authorities of the Member States in which they made it available on the market.	3. Distributors who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk, shall immediately inform the manufacturer, the importer and the approval and the market surveillance authorities of the Member States in which they made it available on the market.	3. Distributors who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk, shall immediately inform the manufacturer, the importer and the approval and the market surveillance authorities of the Member States in which they made it available on the market.	
Article 12(3), second subparagraph				
165	The distributor shall also inform them of any action taken and give details, in particular, of the serious risk and of corrective measures taken by the manufacturer.	The distributor shall also inform them of any action taken and give details, in particular, of the serious risk and of corrective measures taken by the manufacturer.	The distributor shall also inform them of any action taken and give details, in particular, of the serious risk and of corrective measures taken by the manufacturer.	
Article 12(4)				
166	4. Distributors shall, following a reasoned request from a national authority, ensure that the manufacturer provides the national	4. Distributors shall, following a reasoned request from a national authority, ensure that the manufacturer provides the national	4. Distributors shall, following a reasoned request from a national authority, ensure that the manufacturer provides the national	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	authority with the information specified in Article 7(4) or that the importer provide the national authority with the information specified in Article 10(4). They shall cooperate with that authority, at its request, on any action taken in accordance with Article 19 of Regulation (EU) 2019/1020 to eliminate the risks posed by the non-road mobile machinery which they have made available on the market.	authority with the information specified in Article 7(4) or that the importer provide the national authority with the information specified in Article 10(4). They shall cooperate with that authority, at its request, on any action taken in accordance with Article 19 of Regulation (EU) 2019/1020 to eliminate the risks posed by the non-road mobile machinery which they have made available on the market.	authority with the information specified in Article 7(4) or that the importer provide the national authority with the information specified in Article 10(4). They shall cooperate with that authority, at its request, on any action taken in accordance with Article 19 of Regulation (EU) 2019/1020 to eliminate the risks posed by the non-road mobile machinery which they have made available on the market.	
Article 12(5)				
167	5. Distributors shall immediately inform the relevant manufacturer of any complaints they received relating to risks, suspected incidents or non-conformity issues with non-road mobile machinery that they have made available on the market.	5. Distributors shall immediately inform the relevant manufacturer of any complaints they received relating to risks, suspected incidents or non-conformity issues with non-road mobile machinery that they have made available on the market.	5. Distributors shall immediately inform the relevant manufacturer of any complaints they received relating to risks, suspected incidents or non-conformity issues with non-road mobile machinery that they have made available on the market.	
Article 13				
168	Article 13 Cases in which obligations of manufacturers apply to importers and distributors	Article 13 Cases in which obligations of manufacturers apply to importers and distributors	Article 13 Cases in which obligations of manufacturers apply to importers and distributors	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 13, first paragraph				
169	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 in any of the following cases:	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 in any of the following cases:	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 in any of the following cases:	
Article 13, first paragraph, point (a)				
170	(a) where the importer or distributor makes available on the market, registers or is responsible for the entry into service of a non-road mobile machinery under its name or trademark;	(a) where the importer or distributor makes available on the market, registers or is responsible for the entry into service of a non-road mobile machinery under its name or trademark;	(a) where the importer or distributor makes available on the market, registers or is responsible for the entry into service of a non-road mobile machinery under its name or trademark;	
Article 13, first paragraph, point (b)				
171	(b) where the importer or distributor modifies that machinery in such a way that compliance with this Regulation may be affected.	(b) where the importer or distributor modifies that machinery in such a way that compliance with this Regulation may be affected.	(b) where the importer or distributor modifies that machinery in such a way that compliance with this Regulation may be affected.	
Article 14				
172	Article 14 Identification of economic operators	Article 14 Identification of economic operators	Article 14 Identification of economic operators	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 14, first paragraph				
173	Economic operators shall, on request, identify to the approval and market surveillance authorities, for a period of 10 years after the placing on the market of non-road mobile machinery, the following:	Economic operators shall, on request, identify to the approval and market surveillance authorities, for a period of 10 years after the placing on the market of non-road mobile machinery, the following:	Economic operators shall, on request, identify to the approval and market surveillance authorities, for a period of 10 years after the placing on the market of non-road mobile machinery, the following:	
Article 14, first paragraph, point (a)				
174	(a) any economic operator who has supplied them with a non-road mobile machinery;	(a) any economic operator who has supplied them with a non-road mobile machinery;	(a) any economic operator who has supplied them with a non-road mobile machinery;	
Article 14, first paragraph, point (b)				
175	(b) any economic operator to whom they have supplied a non-road mobile machinery.	(b) any economic operator to whom they have supplied a non-road mobile machinery.	(b) any economic operator to whom they have supplied a non-road mobile machinery.	
Article 15				
176	Article 15 Technical requirements for non-road mobile machinery	Article 15 Technical requirements for non-road mobile machinery for circulating on public roads	Article 15 Technical requirements for non-road mobile machinery	
Article 15(1)				
177				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	1. Non-road mobile machinery shall be designed, constructed and assembled so as to minimise the risk of injury to the occupants and to other persons and of damage to road infrastructure, in the machinery's surrounding area, while that non-road mobile machinery is circulating on a public road.	1. Non-road mobile machinery shall be designed, constructed and assembled so as to minimise the risk of injury to the occupants and to other persons and of damage to road infrastructure, in the machinery's surrounding area, while that non-road mobile machinery is circulating on a public road.	1. Non-road mobile machinery shall be designed, constructed and assembled so as to minimise the risk of injury to the occupants and to other persons and of damage to road infrastructure, in the machinery's surrounding area, while that non-road mobile machinery is circulating on a public road.	
Article 15(2), first subparagraph				
178	2. The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed rules on the requirements set out in paragraph 1 for the following elements:	2. The Commission is empowered to may adopt delegated implementing acts in accordance with Article 47 concerning 46 laying down detailed rules on the requirements set out in paragraph 1 for the following elements:	2. The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed, non-discriminatory rules on the requirements related to risks for circulation on public roads set out in paragraph 1 for the following elements:	
Article 15(2), first subparagraph, point (a)				
179	(a) vehicle structure integrity;	(a) vehicle structure integrity;	<i>deleted</i>	
Article 15(2), first subparagraph, point (b)				
180	(b) maximum design speed, speed	(b) maximum design speed, speed	(b) maximum design speed, speed	

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	governor, speed limitation devices and speedometer;	governor, speed limitation devices and speedometer;	governor, speed limitation devices and speedometer;	
Article 15(2), first subparagraph, point (c)				
181	(c) braking devices;	(c) braking devices;	(c) braking devices;	
Article 15(2), first subparagraph, point (d)				
182	(d) steering;	(d) steering;	(d) steering;	
Article 15(2), first subparagraph, point (e)				
183	(e) field of vision;	(e) field of vision;	(e) field of vision;	
Article 15(2), first subparagraph, point (f)				
184	(f) windscreen wipers;	(f) windscreen wipers;	(f) windscreen wipers;	
Article 15(2), first subparagraph, point (g)				
185	(g) glazing and its installation;	(g) glazing and its installation;	(g) glazing and its installation;	
Article 15(2), first subparagraph, point (h)				
186	(h) indirect vision devices;	(h) indirect vision devices;	(h) indirect vision devices;	
Article 15(2), first subparagraph, point (i)				

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187	(i) lighting and lighting installations;	(i) lighting and lighting installations;	(i) lighting and lighting installations;	
Article 15(2), first subparagraph, point (j)				
188	(j) vehicle exterior and accessories in on road position, including working equipment and swinging structure;	(j) vehicle exterior and accessories in on road on-road position, including working equipment and swinging structure;	(j) vehicle exterior and accessories in on road position, including working equipment and swinging structure;	
Article 15(2), first subparagraph, point (k)				
189	(k) audible warning devices and their installation;	(k) audible warning devices and their installation;	(k) audible warning devices and their installation;	
Article 15(2), first subparagraph, point (l)				
190	(l) heating systems, defrost and demist;	(l) heating systems, defrost and demist;	(l) heating systems, defrost and demist;	
Article 15(2), first subparagraph, point (m)				
191	(m) registration plate spaces;	(m) registration plate spaces;	(m) registration plate spaces;	
Article 15(2), first subparagraph, point (n)				
192	(n) statutory plate and marking;	(n) statutory plate and marking;	(n) statutory plate and marking;	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 15(2), first subparagraph, point (o)				
193	(o) dimensions;	(o) dimensions;	(o) dimensions;	
Article 15(2), first subparagraph, point (p)				
194	(p) masses, including maximum on-road laden mass;	(p) masses, including maximum on-road laden mass;	(p) masses, including maximum on-road technically permissible maximum laden mass on road ;	
Article 15(2), first subparagraph, point (q)				
195	(q) fuel tanks;	(q) fuel tanks energy storage systems ;	(q) fuel tanks;	
Article 15(2), first subparagraph, point (r)				
196	(r) tyres;	(r) tyres;	(r) tyres;	
Article 15(2), first subparagraph, point (s)				
197	(s) reverse gear;	(s) reverse gear;	(s) reverse gear;	
Article 15(2), first subparagraph, point (t)				
198	(t) tracks;	(t) tracks;	(t) tracks;	
Article 15(2), first subparagraph, point (u)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
199	(u) mechanical couplings;	(u) mechanical couplings;	(u) mechanical couplings;	
Article 15(2), first subparagraph, point (v)				
200	(v) driver and other occupants' seating positions and restrain systems;	(v) driver and other occupants' seating positions and restrain systems;	(v) driver and other occupants' seating positions and restrain systems;	
Article 15(2), first subparagraph, point (w)				
201	(w) operator's manual for road use;	(w) operator's manual for road use;;	<i>deleted</i>	
Article 15(2), first subparagraph, point (x)				
202	(x) operator's controls for on-road use;	(x) operator's controls for on-road use;	(x) operator's controls for on-road use;	
Article 15(2), first subparagraph, point (y)				
203	(y) on-road information, warnings and markings.	(y) on-road information, warnings and markings;	(y) on-road information, warnings and markings– for lighting and lighting installations.	
Article 15(2), first subparagraph, point (ya)				
203a		(z) driver assistance systems, automated and remotely		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		operated driving systems.		
Article 15(2), second subparagraph				
204	The delegated acts referred to in the first subparagraph may lay down detailed rules for any other element, where that is necessary, due to technical and scientific progress, and to ensure compliance with paragraph 1.	The delegated implementing acts referred to in the first subparagraph may lay down detailed rules for any other element, where that is necessary, due to technical and scientific progress, and to ensure compliance with paragraph 1.	The delegated acts referred to in the first subparagraph may lay down detailed rules for any other element, where that is necessary, due to technical and scientific progress, and to ensure compliance with paragraph 1.	
Article 15(2), third subparagraph				
205	The delegated acts referred to in the first subparagraph shall also, where appropriate, include detailed rules on the following:	The delegated implementing acts referred to in the first subparagraph shall also, where appropriate, include detailed rules on the following:	The delegated acts referred to in the first subparagraph shall also, where appropriate, include detailed rules on the following:	
Article 15(2), third subparagraph, point (a)				
206	(a) test procedures chosen from those listed in Article 21(3);	(a) test procedures chosen from those listed in Article 21(3);	(a) test procedures chosen from those listed in Article 21(3);	
Article 15(2), third subparagraph, point (b)				
207	(b) test methods;	(b) test methods;	(b) test methods;	
Article 15(2), third subparagraph, point (c)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
208	(c) limit values or parameters, in relation to any of the elements listed in the first subparagraph;	(c) limit values or parameters, in relation to any of the elements listed in the first subparagraph;	(c) limit values or parameters, in relation to any of the elements listed in the first subparagraph;	
Article 15(2), third subparagraph, point (d)				
209	(d) description of equipment or parts that non-road mobile machinery shall be equipped with;	(d) description of equipment or parts that non-road mobile machinery shall be equipped with;	(d) description of equipment or parts that non-road mobile machinery shall be equipped with;	
Article 15(2), third subparagraph, point (e)				
210	(e) specific characteristics of the non-road mobile machinery.	(e) specific characteristics of the non-road mobile machinery.	(e) specific characteristics of the non-road mobile machinery.	
Article 15(2), fourth subparagraph				
211	The delegated acts referred to in the first subparagraph shall specify the classes or categories concerned by the detailed rules and may provide different detailed rules for different classes or categories of non-road mobile machinery.	The delegated implementing acts referred to in the first subparagraph may provide different detailed rules for different subcategories of non-road mobile machinery and shall specify whether their provisions apply to non-road mobile machinery intended to circulate on public roads with driver, without driver or both shall specify the classes or categories concerned by the detailed rules and may provide	The delegated acts referred to in the first subparagraph shall may specify the classes or categories concerned by the detailed rules and may provide different detailed rules for different classes or categories of non-road mobile machinery.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		different detailed rules for different classes or categories of non-road mobile machinery.		
Article 15(2a)				
211a			2a. When adopting the delegated acts referred to in [paragraph 2], the Commission shall ensure that the requirements laid down in those delegated acts are aligned and consistent with, and complementary to requirements applicable to non-road mobile machinery pursuant to other acts of Union law, in particular Regulation (EU) 2023/1230. In the preparation of those delegated acts, the Commission shall carry out appropriate consultations, including with the relevant stakeholders.	
Article 16				
212	Article 16 Making available on the market, registration or entry into service of non-road mobile machinery	Article 16 Making available on the market, registration or entry into service of non-road mobile machinery	Article 16 Making available on the market, registration or entry into service of non-road mobile machinery	
Article 16(1)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
213	1. Non-road mobile machinery shall not be made available on the market, registered or entered into service, unless it is in conformity with this Regulation.	1. Non-road mobile machinery shall not be made available on the market, registered or entered into service, unless it is in conformity with this Regulation.	1. Non-road mobile machinery intended for circulation on public roads shall not be made available on the market, registered or entered into service, unless it is in conformity with this Regulation.	
Article 16(2)				
214	2. Non-road mobile machinery shall be in conformity with this Regulation only if the obligations set out in this Regulation, corresponding to that machinery, have been fulfilled.	2. Non-road mobile machinery shall be in conformity with this Regulation only if the obligations set out in this Regulation, corresponding to that machinery, have been fulfilled.	2. Non-road mobile machinery shall be in conformity with this Regulation only if the obligations set out in this Regulation, corresponding to that machinery, have been fulfilled.	
CHAPTER III				
215	CHAPTER III EU TYPE-APPROVAL PROCEDURE	CHAPTER III EU TYPE-APPROVAL PROCEDURE	CHAPTER III EU TYPE-APPROVAL PROCEDURE	
Article 17				
216	Article 17 Application for EU type-approval	Article 17 Application for EU type-approval	Article 17 Application for EU type-approval	
Article 17(1), first subparagraph				
217				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	1. A natural or legal person may submit an application for EU type-approval in any Member State.	<i>deleted</i>	1. A natural or legal person may submit an application for EU type-approval in any Member State.	
Article 17(1), second subparagraph				
218	The application for EU approval shall be submitted to an approval authority.	<i>deleted</i>	The application for EU approval shall be submitted to an approval authority.	
Article 17(1), second subparagraph a				
218a		1. The manufacturer shall submit to the approval authority an application for EU type-approval and the information folder referred to in Article 18.		
Article 17(1), third subparagraph				
219	In the case where the applicant for EU type-approval is established outside the Union, that applicant shall appoint a single representative established within the Union to represent him or her before the approval authority.	In the case where the applicant manufacturer for EU type-approval is established outside the Union, that applicant manufacturer shall appoint a single representative established within the Union to represent him or her before the approval authority.	In the case where the applicant for EU type-approval is established outside the Union, that applicant shall appoint a single representative established within the Union to represent him or her before the approval authority.	
Article 17(2)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
220	2. The EU type-approval shall consist of the approval of a non-road mobile machinery as a whole by means of a single operation.	2. The EU type-approval shall consist of the approval of a non-road mobile machinery as a whole by means of a single operation.	2. The EU type-approval shall consist of the approval of a non-road mobile machinery as a whole by means of a single operation.	
Article 17(3)				
221	3. Only one application for EU type-approval shall be submitted in respect of a particular type of non-road mobile machinery in only one Member State and to only one approval authority therein.	3. Only one application for EU type-approval shall be submitted in respect of a particular type of non-road mobile machinery in only one Member State and to only one approval authority therein.	3. Only one application for EU type-approval shall be submitted in respect of a particular type of non-road mobile machinery in only one Member State and to only one approval authority therein.	
Article 17(4)				
222	4. A separate application for EU type-approval shall be submitted for each type to be approved.	4. A separate application for EU type-approval shall be submitted for each type to be approved.	4. A separate application for EU type-approval shall be submitted for each type to be approved.	
Article 18				
223	Article 18 Information folder	Article 18 Information folder	Article 18 Information folder	
Article 18(1)				
224	1. The applicant for EU type-approval, when submitting an	1. The applicant manufacturer for EU type-approval, when	1. The applicant for EU type-approval, when submitting an	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	application in accordance with Article 17(1), shall provide the approval authority with an information folder.	submitting an application in accordance with Article 17(1), shall provide the approval authority with an information folder.	application in accordance with Article 17(1), shall provide the approval authority with an information folder.	
Article 18(2)				
225	2. The information folder shall include the following:	2. The information folder shall include the following:	2. The information folder shall include the following:	
Article 18(2), point (a)				
226	(a) an information document;	(a) an information document;	(a) an information document;	
Article 18(2), point (b)				
227	(b) all data, drawings, photographs and other relevant information;	(b) all data, drawings, photographs and other relevant information;	(b) all data, drawings, photographs and other relevant information;	
Article 18(2), point (c)				
228	(c) the EU declaration of conformity provided for in the applicable Union legislation harmonising the conditions for the marketing of products;	(c) the EU declaration of conformity provided for in the applicable Union legislation harmonising the conditions for the marketing of products;	(c) a copy of the EU declaration of conformity provided for in the applicable Union legislation harmonising the conditions for the marketing of products;	
Article 18(2), point (d)				
229				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(d) any information requested by the approval authority in the context of the application procedure.	(d) any information requested by the approval authority in the context of the application procedure.	(d) any information requested by the approval authority in the context of the application procedure.	
Article 18(3)				
230	3. The information folder shall be supplied in paper format, or in an electronic format that is accepted by the technical service and by the approval authority.	3. The information folder shall be supplied in paper format, or in an electronic format that is accepted by the technical service and by the approval authority.	3. The information folder shall be supplied in paper format, or in an electronic format that is accepted by the technical service and by the approval authority.	
Article 18(4)				
231	4. The Commission shall lay down templates for the information document and for the information folder by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	4. The Commission shall lay down templates for the information document and for the information folder by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	4. The Commission shall lay down templates for the information document and for the information folder by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	
CHAPTER IV				
232	CHAPTER IV CONDUCT OF EU TYPE- APPROVAL PROCEDURES	CHAPTER IV CONDUCT OF EU TYPE- APPROVAL PROCEDURES	CHAPTER IV CONDUCT OF EU TYPE- APPROVAL PROCEDURES	
Article 19				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
233	Article 19 General provisions on conduct of EU type-approval procedures	Article 19 General provisions on conduct of EU type-approval procedures	Article 19 General provisions on conduct of EU type-approval procedures	
Article 19(1)				
234	1. Approval authorities shall grant only one EU type-approval for each type of non-road mobile machinery.	1. Approval authorities shall grant only one EU type-approval for each type of non-road mobile machinery.	1. Approval authorities shall grant only one EU type-approval for each type of non-road mobile machinery.	
Article 19(2), first subparagraph				
235	2. Approval authorities shall verify all of the following:	2. Approval authorities shall verify all of the following:	2. Approval authorities shall verify all of the following:	
Article 19(2), first subparagraph, point (a)				
236	(a) the conformity of production arrangements referred to in Article 22; and	(a) the conformity of production arrangements referred to in Article 22; and	(a) the conformity of production arrangements referred to in Article 22; and	
Article 19(2), first subparagraph, point (b)				
237	(b) the compliance of the type of non-road mobile machinery with the applicable technical requirements.	(b) the compliance of the type of non-road mobile machinery with the applicable technical requirements.	(b) the compliance of the type of non-road mobile machinery with the applicable technical requirements.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 19(2), second subparagraph				
238	If an approval authority finds that a type of non-road mobile machinery, though conforming to the relevant technical requirements presents a serious risk, it may refuse to grant EU type-approval. In that 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.	If an approval authority finds that a type of non-road mobile machinery, though conforming to the relevant technical requirements presents a serious risk, it may refuse to grant EU type-approval. In that 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.	If an approval authority finds that a type of non-road mobile machinery, though conforming to the relevant technical requirements presents a serious risk, it may refuse to grant EU type-approval. In that 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.	
Article 19(3)				
239	3. The approval authority shall inform the approval authorities of the other Member States of its refusal or withdrawal of any EU type-approval without delay, together with the reasons for its decision, by means of a common secure electronic exchange system.	3. The approval authority shall inform the approval authorities of the other Member States of its refusal or withdrawal of any EU type-approval without delay, together with the reasons for its decision, by means of a common secure electronic exchange system.	3. The approval authority shall inform the approval authorities of the other Member States of its refusal or withdrawal of any EU type-approval without delay, together with the reasons for its decision, by means of a common secure electronic exchange system.	
Article 19(4)				
240	4. The approval authority shall put together an information package consisting all of the following:	4. The approval authority shall put together an information package consisting all of the following:	4. The approval authority shall put together an information package consisting all of the following:	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 19(4), point (a)				
241	(a) 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 carrying out their functions;	(a) 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 carrying out their functions;	(a) 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 carrying out their functions;	
Article 19(4), point (b)				
242	(b) index listing 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. 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.	(b) index listing 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. 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.	(b) index listing 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 and presenting a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating updates . 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.	
Article 19(5)				
243				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	5. The Commission may have access to the common secure electronic exchange system, referred to in paragraph 3 and Articles 20(3), 25(3) and 26(5). The Commission may adopt implementing acts laying down the format of the electronic documents that are to be made available through that system, the exchange mechanism, the procedures to inform authorities on the granting of EU type-approvals, on amendments, refusals and withdrawals thereof and on the relevant security measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	5. The Commission may have access to the common secure electronic exchange system, referred to in paragraph 3 and Articles 20(3), 25(3) and 26(5). The Commission may adopt implementing acts laying down the format of the electronic documents that are to be made available through that system, the exchange mechanism, the procedures to inform authorities on the granting of EU type-approvals, on amendments, refusals and withdrawals thereof and on the relevant security measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	5. The Commission may have access to the common secure electronic exchange system, referred to in paragraph 3 and Articles 20(3), 25(3) and 26(5). The Commission may adopt implementing acts laying down the format of the electronic documents that are to be made available through that system, the exchange mechanism, the procedures to inform authorities on the granting of EU type-approvals, on amendments, refusals and withdrawals thereof and on the relevant security measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	
Article 20				
244	Article 20 EU type-approval certificate	Article 20 EU type-approval certificate	Article 20 EU type-approval certificate	
Article 20(1), first subparagraph				
245	1. When an EU type-approval is granted, an EU type-approval certificate shall be issued by the approval authority to the applicant	1. When an EU type-approval is granted, an EU type-approval certificate shall be issued by the approval authority to the applicant	1. When an EU type-approval is granted, an EU type-approval certificate shall be issued by the approval authority to the applicant	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	for EU type-approval.	manufacturer for EU type-approval.	for EU type-approval.	
Article 20(1), second subparagraph				
246	The EU type-approval certificate shall remain valid as long as the EU type-approval is valid.	The EU type-approval certificate shall remain valid as long as the EU type-approval is valid.	The EU type-approval certificate shall remain valid as long as the EU type-approval is valid.	
Article 20(1), third subparagraph				
247	The EU type approval certificate shall be amended by the approval authority when the relevant EU type approval is amended.	The EU type approval certificate shall be amended by the approval authority when the relevant EU type approval is amended.	The EU type approval certificate shall be amended by the approval authority when the relevant EU type approval is amended.	
Article 20(2)				
248	2. The EU type-approval certificate shall contain all of the following attachments:	2. The EU type-approval certificate shall contain all of the following attachments:	2. The EU type-approval certificate shall contain all of the following attachments:	
Article 20(2), point (a)				
249	(a) the information package;	(a) the information package;	(a) the information package;	
Article 20(2), point (b)				
250	(b) the test results sheet;	(b) the test results sheet;	(b) the test results sheet;	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 20(2), point (c)				
251	(c) name and specimen of the signature of the person authorised to sign a certificates of conformity and a statement of their position in the company;	(c) name and specimen of the signature of the person authorised to sign a certificates of conformity and a statement of their position in the company;	(c) name and specimen of the signature of the person authorised to sign a certificates of conformity and a statement of their position in the company;	
Article 20(2), point (d)				
252	(d) a filled-out specimen of the certificate of conformity.	(d) a filled-out specimen of the certificate of conformity.	(d) a filled-out specimen of the certificate of conformity.	
Article 20(3)				
253	3. EU type-approval certificates shall be numbered in accordance with a harmonised system laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). The approval authority shall, within one month of issuing the EU type-approval certificate, send to the approval authorities of the other Member States a copy of the EU non-road mobile machinery type-approval certificate, together	3. EU type-approval certificates shall be numbered in accordance with a harmonised system laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). The approval authority shall, within one month of issuing the EU type-approval certificate, send to the approval authorities of the other Member States a copy of the EU non-road mobile machinery type-approval certificate, together	3. EU type-approval certificates shall be numbered in accordance with a harmonised system laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). The approval authority shall, within one month of issuing the EU type-approval certificate, send to the approval authorities of the other Member States a copy of the EU non-road mobile machinery type-approval certificate, together	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	with the attachments, by means of a common secure electronic exchange system.	with the attachments, by means of a common secure electronic exchange system.	with the attachments, by means of a common secure electronic exchange system.	
Article 20(4)				
254	4. The EU type-approval certificate shall be issued on the basis of the template established by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). In respect of each type of non-road mobile machinery, the approval authority shall:	4. The EU type-approval certificate shall be issued on the basis of the template established by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). In respect of each type of non-road mobile machinery, the approval authority shall:	4. The EU type-approval certificate shall be issued on the basis of the template established by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). In respect of each type of non-road mobile machinery, the approval authority shall:	
Article 20(4), point (a)				
255	(a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto;	(a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto;	(a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet appended thereto;	
Article 20(4), point (b)				
256	(b) compile the index to the information package;	(b) compile the index to the information package;	(b) compile the index to the information package;	
Article 20(4), point (c)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
257	(c) issue the completed certificate, together with its attachments, to the applicant for EU type-approval, without delay.	(c) issue the completed certificate, together with its attachments, to the applicant manufacturer for EU type-approval, without delay.	(c) issue the completed certificate, together with its attachments, to the applicant for EU type-approval, without delay.	
Article 20(5)				
258	5. The Commission shall lay down the template for the test results sheet referred to in paragraph 2, point (b) by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	5. The Commission shall lay down the template for the test results sheet referred to in paragraph 2, point (b) by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	5. The Commission shall lay down the template for the test results sheet referred to in paragraph 2, point (b) by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	
Article 20(6)				
259	6. In the case of an EU type-approval for which, in accordance with Article 29, restrictions have been imposed as to its validity, the EU type-approval certificate shall specify those restrictions.	6. In the case of an EU type-approval for which, in accordance with Article 29, restrictions have been imposed as to its validity, the EU type-approval certificate shall specify those restrictions.	6. In the case of an EU type-approval for which, in accordance with Article 29, restrictions have been imposed as to its validity, the EU type-approval certificate shall specify those restrictions.	
Article 20(7)				
260	7. The approval authority shall establish a list of applicable	7. The approval authority shall establish a list of applicable	7. The approval authority shall establish a list of applicable	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	requirements or acts and append that list to the EU type-approval certificate. The Commission shall adopt the template for such a list by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	requirements or acts and append that list to the EU type-approval certificate. The Commission shall adopt the template for such a list by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	requirements or acts and append that list to the EU type-approval certificate. The Commission shall adopt the template for such a list by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	
Article 21				
261	Article 21 Demonstrating compliance for EU type-approval	Article 21 Demonstrating compliance for EU type-approval	Article 21 Demonstrating compliance for EU type-approval	
Article 21(1)				
262	1. For the purpose of granting EU-type approval, compliance shall be demonstrated with the requirements of this Regulation, and in particular the applicable technical requirements.	1. For the purpose of granting EU-type approval, compliance shall be demonstrated with the requirements of this Regulation, and in particular the applicable technical requirements.	1. For the purpose of granting EU-type approval, compliance shall be demonstrated with the requirements of this Regulation, and in particular the applicable technical requirements.	
Article 21(2)				
263	2. The applicant for EU type-approval shall demonstrate compliance with the applicable technical requirements by	2. The applicant manufacturer for EU type-approval shall demonstrate compliance with the applicable technical requirements	2. The applicant for EU type-approval shall demonstrate compliance with the applicable technical requirements by	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	establishing technical documentation.	by establishing technical documentation.	establishing technical documentation.	
Article 21(3)				
264	3. The technical documentation referred to in paragraph 2 shall, if tests are required by the delegated acts adopted pursuant to this Regulation, include relevant test reports resulting from the following test procedures:	3. The technical documentation referred to in paragraph 2 shall, if tests are required by the delegated implementing acts adopted pursuant to this Regulation, include relevant test reports or declaration of compliance from the manufacturer resulting from the following test procedures:	3. The technical documentation referred to in paragraph 2 shall, if tests are required by the delegated acts adopted pursuant to this Regulation, include relevant test reports resulting from the following test procedures:	
Article 21(3), point (a)				
265	(a) testing carried out by the manufacturer;	(a) testing carried out by the manufacturer;	(a) testing carried out by the manufacturer;	
Article 21(3), point (b)				
266	(b) testing carried out by a technical service designated to perform such activity or the accredited in-house technical service, referred to in Article 40, of that manufacturer;	(b) testing carried out by a technical service designated to perform such activity or the accredited in-house technical service, referred to in Article 40, of that manufacturer;	(b) testing carried out by a technical service designated to perform such activity or the accredited in-house technical service, referred to in Article 40, of that manufacturer;	
Article 21(3), point (c)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
267	(c) testing carried out by the manufacturer under the supervision of a technical service designated to perform such activity, other than an accredited in-house technical service referred to in Article 40.	(c) testing carried out by the manufacturer under the supervision of a technical service designated to perform such activity, other than an accredited in-house technical service referred to in Article 40.	(c) testing carried out by the manufacturer under the supervision of a technical service designated to perform such activity, other than an accredited in-house technical service referred to in Article 40.	
Article 21(2a), second subparagraph				
267a		For testing procedures included in subparagraph a) the responsibility of the type approval authority will be limited to checking that both the declaration and the testing reports are included within the file.		
Article 21(4)				
268	4. For the EU-type approval of non-road mobile machinery, components or separate technical unit which are type-approved in accordance with the procedures and requirements set out in Regulation (EU) 167/2013 or Regulation (EU) 2018/858 shall be accepted, if they are correctly installed and integrated into the non-road mobile machinery and do	4. For the EU-type approval of non-road mobile machinery, components or separate technical unit which are type-approved in accordance with the procedures and requirements set out in Regulation (EU) 167/2013 or Regulation (EU) 2018/858 shall be accepted, if they are correctly installed and integrated into the non-road mobile machinery and do	4. For the EU-type approval of non-road mobile machinery, components or separate technical unit which are type-approved in accordance with the procedures and requirements set out in Regulation (EU) 167/2013 or Regulation (EU) 2018/858 shall be accepted, if they are correctly installed and integrated into the non-road mobile machinery and do	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	not affect the conformity of that machinery with the applicable technical requirements.	not affect the conformity of that machinery with the applicable technical requirements.	not affect the conformity of that machinery with the applicable technical requirements.	
Article 21(5)				
269	5. The format of the test reports referred to in paragraph 3 shall comply with the general requirements as laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	5. The format of the test reports referred to in paragraph 3 shall comply with the general requirements as laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	5. The format of the test reports referred to in paragraph 3 shall comply with the general requirements as laid down by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	
Article 21(6), first subparagraph				
270	6. The applicant for EU type-approval shall make available to the approval authority as many non-road mobile machinery as are required under the relevant delegated acts adopted pursuant to this Regulation for the performance of the tests required by those delegated acts.	6. The applicant manufacturer for EU type-approval shall make available to the approval authority as many non-road mobile machinery as are required under the relevant delegated acts adopted pursuant to this Regulation for the performance of the tests required by those delegated acts.	6. The applicant for EU type-approval shall make available to the approval authority as many non-road mobile machinery as are required under the relevant delegated acts adopted pursuant to this Regulation for the performance of the tests required by those delegated acts.	
Article 21(6), second subparagraph				
271				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	The required tests shall be performed on non-road mobile machinery which are representative of the type to be approved.	The required tests shall be performed on non-road mobile machinery which are representative of the type to be approved.	The required tests shall be performed on non-road mobile machinery which are representative of the type to be approved.	
Article 21(6), third subparagraph				
272	However, the applicant for EU type-approval may select, subject to the agreement with the approval authority, a non-road mobile machinery which is not a representative of that type but 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.	However, the applicant manufacturer for EU type-approval may select, subject to the agreement with the approval authority, a non-road mobile machinery which is not a representative of that type but 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.	However, the applicant for EU type-approval may select, subject to the agreement with the approval authority, a non-road mobile machinery which is not a representative of that type but 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.	
Article 21(7)				
273	7. Subject to the agreement of the approval authority, virtual testing methods may be used as alternatives to the test procedures referred to in paragraph 3 at the request of the applicant with respect to those requirements established in the delegated acts	7. Subject to the agreement of the approval authority, virtual testing methods may be used as alternatives to the test procedures referred to in paragraph 3 at the request of the applicant manufacturer with respect to those requirements established in	7. Subject to the agreement of the approval authority, virtual testing methods may be used as alternatives to the test procedures referred to in paragraph 3 at the request of the applicant with respect to those requirements established in the delegated acts	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	adopted pursuant to paragraph 9.	the delegated acts adopted pursuant to paragraph 9.	adopted pursuant to paragraph 9.	
Article 21(8)				
274	8. Virtual testing methods shall fulfil the conditions set out in the delegated acts adopted pursuant to paragraph 9.	8. Virtual testing methods shall fulfil the conditions set out in the delegated acts adopted pursuant to paragraph 9.	8. Virtual testing methods shall fulfil the conditions set out in the delegated acts adopted pursuant to paragraph 9.	
Article 21(9)				
275	9. In order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing, the Commission is empowered to adopt delegated acts in accordance with Article 47 setting out the requirements, compliance with which can be tested by means of virtual testing and the conditions under which the virtual testing are to be performed.	9. In order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing, the Commission is empowered to adopt delegated acts in accordance with Article 47 supplementing this Regulation by setting out the requirements, compliance with which can be tested by means of virtual testing and the conditions under which the virtual testing are to be performed.	9. In order to ensure that the results obtained through virtual testing are as meaningful as those obtained through physical testing, the Commission is empowered to adopt delegated acts in accordance with Article 47 setting out the requirements, compliance with which can be tested by means of virtual testing and the conditions under which the virtual testing are to be performed.	
Article 22				
276	Article 22 Conformity of production arrangements	Article 22 Conformity of production arrangements	Article 22 Conformity of production arrangements	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 22(1)				
277	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 production arrangements have been made to ensure that the non-road mobile machinery in production conforms to the approved type and documented control plans, to be agreed with the holder of EU type-approval for each approval.	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 production arrangements have been made to ensure that the non-road mobile machinery in production conforms to the approved type and documented control plans, to be agreed with the holder of EU type-approval for each approval.	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 production arrangements have been made to ensure that the non-road mobile machinery in production conforms to the approved type and documented control plans, to be agreed with the holder of EU type-approval for each approval. or directly or on the basis of the verification already carried out by the approval authority of another Member State	
Article 22(2)				
278	2. The approval authority shall verify that the holder of EU type-approval has issued a sufficient number of samples of certificates of conformity in accordance with Article 27 and that the holder of EU type-approval has made adequate arrangements to ensure that the data in the certificates of	2. The approval authority shall verify that the holder of EU type-approval has issued a sufficient number of samples of certificates of conformity in accordance with Article 27 and that the holder of EU type-approval has made adequate arrangements to ensure that the data in the certificates of	2. The approval authority shall verify that the holder of EU type-approval has issued a sufficient number of samples of certificates of conformity in accordance with Article 27 and that the holder of EU type-approval has made adequate arrangements to ensure that the data in the certificates of	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	conformity are correct.	conformity are correct.	conformity are correct.	
Article 22(3)				
279	3. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if necessary in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraphs 1 and 2 continue to be adequate so that non-road mobile machinery in production will continue to conform to the approved type and that certificates of conformity continue to comply with Article 27.	3. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if necessary in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraphs 1 and 2 continue to be adequate so that non-road mobile machinery in production will continue to conform to the approved type and that certificates of conformity continue to comply with Article 27.	3. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, if necessary in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraphs 1 and 2 continue to be adequate so that non-road mobile machinery in production will continue to conform to the approved type and that certificates of conformity continue to comply with Article 27.	
Article 22(4)				
280	4. The approval authority which has granted the EU type-approval may carry out any of the checks or tests, required for the EU type-approval, on samples taken at the premises of the holder of EU type-approval, including production	4. The approval authority which has granted the EU type-approval may carry out any of the checks or tests, required for the EU type-approval, on samples taken at the premises of the holder of EU type-approval, including production	4. The approval authority which has granted the EU type-approval may carry out any of the checks or tests, required for the EU type-approval, on samples taken at the premises of the holder of EU type-approval, including production	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	facilities.	facilities.	facilities.	
Article 22(5), first subparagraph				
281	5. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraphs 1 and 2 are not being applied, deviate significantly from the arrangements and control plans agreed or are no longer considered to be adequate, even though production is continued, it shall either take the necessary measures to ensure that the procedure for conformity of production is followed correctly or withdraw that EU type-approval.	5. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraphs 1 and 2 are not being applied, deviate significantly from the arrangements and control plans agreed or are no longer considered to be adequate, even though production is continued, it shall either take the necessary measures to ensure that the procedure for conformity of production is followed correctly or withdraw that EU type-approval. The approval authority may decide to take all necessary corrective or restrictive measures laid down in Chapter IX.	5. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraphs 1 and 2 are not being applied, deviate significantly from the arrangements and control plans agreed or are no longer considered to be adequate, even though production is continued, it shall either take the necessary measures to ensure that the procedure for conformity of production is followed correctly or withdraw that EU type-approval.	
Article 22(5), second subparagraph				
282	The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning the detailed arrangements with regard to conformity of production.	6. The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning the detailed arrangements with regard to conformity of production.	The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning the detailed arrangements with regard to conformity of production, such as the detailed conditions under	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			which approval authorities may not refuse the verification already carried out by the approval authority of another Member State.	
CHAPTER V				
283	CHAPTER V AMENDMENTS TO EU TYPE- APPROVAL	CHAPTER V AMENDMENTS TO EU TYPE- APPROVAL	CHAPTER V AMENDMENTS TO EU TYPE- APPROVAL	
Article 23				
284	Article 23 General provisions	Article 23 General provisions	Article 23 General provisions	
Article 23(1)				
285	1. The holder of EU type-approval shall inform without delay the approval authority that granted the EU type-approval of any change in the particulars recorded in the information package.	1. The holder of EU type-approval shall inform without delay the approval authority that granted the EU type-approval of any change in the particulars recorded in the information package.	1. The holder of EU type-approval shall inform without delay the approval authority that granted the EU type-approval of any change in the particulars recorded in the information package.	
Article 23(2)				
286	2. That approval authority shall decide which of the procedures laid	2. That approval authority shall decide which of the procedures laid	2. That approval authority shall decide which of the procedures laid	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	down in Article 24 is to be followed.	down in Article 24 is to be followed.	down in Article 24 is to be followed.	
Article 23(3)				
287	3. Where necessary and after consulting the holder of EU type-approval, the approval authority may decide that an amendment of EU type-approval needs to be granted.	3. Where necessary and after consulting the holder of EU type-approval, the approval authority may decide that an amendment of EU type-approval needs to be granted.	3. Where necessary and after consulting the holder of EU type-approval, the approval authority may decide that an amendment of EU type-approval needs to be granted.	
Article 23(4)				
288	4. The holder of EU type-approval to be amended shall submit an application for the amendment of an EU type-approval to the approval authority that granted the EU type-approval to be amended.	4. The holder of EU type-approval to be amended shall submit an application for the amendment of an EU type-approval to the approval authority that granted the EU type-approval to be amended.	4. The holder of EU type-approval to be amended shall submit an application for the amendment of an EU type-approval to the approval authority that granted the EU type-approval to be amended.	
Article 23(5), first subparagraph				
289	5. Where the approval authority establishes that, for the purposes of making an amendment to an EU type-approval, inspections or tests need to be repeated, it shall inform the holder of the EU type-approval to be amended accordingly.	5. Where the approval authority establishes that, for the purposes of making an amendment to an EU type-approval, inspections or tests need to be repeated, it shall inform the holder of the EU type-approval to be amended accordingly.	5. Where the approval authority establishes that, for the purposes of making an amendment to an EU type-approval, inspections or tests need to be repeated, it shall inform the holder of the EU type-approval to be amended accordingly.	

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Article 23(5), second subparagraph				
290	The procedures referred to in Article 24 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.	The procedures referred to in Article 24 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.	The procedures referred to in Article 24 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.	
Article 24				
291	Article 24 Amendments to the EU type-approval	Article 24 Amendments to the EU type-approval	Article 24 Amendments to the EU type-approval	
Article 24(1)				
292	1. Where the approval authority verifies that the particulars recorded in the information package have changed, the approval authority shall grant an amendment to the EU-type approval for which the application was submitted in accordance with Article 23.	1. Where the approval authority verifies that the particulars recorded in the information package have changed, the approval authority shall grant an amendment to the EU-type approval for which the application was submitted in accordance with Article 23.	1. Where the approval authority verifies that the particulars recorded in the information package have changed, the approval authority shall grant an amendment to the EU-type approval for which the application was submitted in accordance with Article 23.	
Article 24(2), first subparagraph				
293	2. The approval authority shall	2. The approval authority shall	2. The approval authority shall	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	designate the amendment as a 'revision' if inspections or tests are not required to be repeated.	designate the amendment as a 'revision' if inspections or tests are not required to be repeated.	designate the amendment as a 'revision' if inspections or tests are not required to be repeated.	
Article 24(2), second subparagraph				
294	In such a case, the approval authority shall issue the revised pages of the information package as necessary, marking each revised pages to show clearly the nature of the change and the date of reissue. A consolidated, updated version of the information package, accompanied by a detailed description of the changes, shall be deemed to meet that requirement.	In such a case, the approval authority shall issue the revised pages of the information package as necessary, marking each revised pages to show clearly the nature of the change and the date of reissue. A consolidated, updated version of the information package, accompanied by a detailed description of the changes, shall be deemed to meet that requirement.	In such a case, the approval authority shall issue the revised pages of the information package as necessary, marking each revised pages to show clearly the nature of the change and the date of reissue. A consolidated, updated version of the information package, accompanied by a detailed description of the changes, shall be deemed to meet that requirement.	
Article 24(3)				
295	3. The approval authority shall designate the amendment as an 'extension' if any of the following occurs:	3. The approval authority shall designate the amendment as an 'extension' if any of the following occurs:	3. The approval authority shall designate the amendment as an 'extension' if any of the following occurs:	
Article 24(3), point (a)				
296	(a) further inspections or tests are required;	(a) further inspections or tests are required;	(a) further inspections or tests are required;	
Article 24(3), point (b)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
297	(b) any information on the EU type-approval certificate, with the exception of its attachments, has changed;	(b) any information on the EU type-approval certificate, with the exception of its attachments, has changed;	(b) any information on the EU type-approval certificate, with the exception of its attachments, has changed;	
Article 24(3), point (c)				
298	(c) new requirements under any delegated acts adopted pursuant to this Regulation become applicable to the type-approved non-road mobile machinery.	(c) new requirements– under any delegated acts adopted pursuant to this Regulation become applicable to the type-approved non-road mobile machinery.	(c) new requirements under any delegated acts adopted pursuant to this Regulation become applicable to the type-approved non-road mobile machinery.	
Article 24(4)				
299	4. Whenever amended pages of the information package or a consolidated, updated version of that package are issued, the index to the information package attached to the type-approval certificate shall be amended accordingly to show either the date of the most recent extension or revision or the date of the most recent consolidation of the updated version.	4. Whenever amended pages of the information package or a consolidated, updated version of that package are issued, the index to the information package attached to the type-approval certificate shall be amended accordingly to show either the date of the most recent extension or revision or the date of the most recent consolidation of the updated version.	4. Whenever amended pages of the information package or a consolidated, updated version of that package are issued, the index to the information package attached to the type-approval certificate shall be amended accordingly to show either the date of the most recent extension or revision or the date of the most recent consolidation of the updated version.	
Article 24(5)				
300				

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	5. No amendment to the EU type-approval of a non-road mobile machinery shall be required if the new requirements referred to in paragraph 3, point (c) are, from a technical point of view, irrelevant to that type of non-road mobile machinery.	5. No amendment to the EU type-approval of a non-road mobile machinery shall be required if the new requirements referred to in paragraph 3, point (c) are, from a technical point of view, irrelevant to that type of non-road mobile machinery.	5. No amendment to the EU type-approval of a non-road mobile machinery shall be required if the new requirements referred to in paragraph 3, point (c) are, from a technical point of view, irrelevant to that type of non-road mobile machinery.	
Article 25				
301	Article 25 Issue and notification of amendments	Article 25 Issue and notification of amendments	Article 25 Issue and notification of amendments	
Article 25(1)				
302	1. 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 holder of EU type-approval.	1. 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 holder of EU type-approval.	1. 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 holder of EU type-approval.	
Article 25(2), first subparagraph				
303	2. In the case of an extension, the approval authority shall issue an updated EU type-approval	2. In the case of an extension, the approval authority shall issue an updated EU type-approval	2. In the case of an extension, the approval authority shall issue an updated EU type-approval	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	certificate denoted by an extension number, incremented in accordance with the number of successive extensions already granted. That certificate shall clearly show the reason for the extension and the date of reissue of the updated EU type-approval certificate. All relevant sections of that certificate, the attachments thereto, and the index to the information package shall be updated.	certificate denoted by an extension number, incremented in accordance with the number of successive extensions already granted. That certificate shall clearly show the reason for the extension and the date of reissue of the updated EU type-approval certificate. All relevant sections of that certificate, the attachments thereto, and the index to the information package shall be updated.	certificate denoted by an extension number, incremented in accordance with the number of successive extensions already granted. That certificate shall clearly show the reason for the extension and the date of reissue of the updated EU type-approval certificate. All relevant sections of that certificate, the attachments thereto, and the index to the information package shall be updated.	
Article 25(2), second subparagraph				
304	That updated certificate and its attachments shall be issued by the approval authority to the holder of EU type-approval.	That updated certificate and its attachments shall be issued by the approval authority to the holder of EU type-approval.	That updated certificate and its attachments shall be issued by the approval authority to the holder of EU type-approval.	
Article 25(3)				
305	3. The approval authority shall notify any amendment made to EU type-approvals to the approval authorities of the other Member States, by means of a common secure electronic exchange system.	3. The approval authority shall notify any amendment made to EU type-approvals to the approval authorities of the other Member States, by means of a common secure electronic exchange system.	3. The approval authority shall notify any amendment made to EU type-approvals to the approval authorities of the other Member States, by means of a common secure electronic exchange system.	
CHAPTER VI				
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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	CHAPTER VI VALIDITY OF EU TYPE- APPROVAL	CHAPTER VI VALIDITY OF EU TYPE- APPROVAL	CHAPTER VI VALIDITY OF EU TYPE- APPROVAL	
Article 26				
307	Article 26 Termination of validity	Article 26 Termination of validity	Article 26 Termination of validity	
Article 26(1)				
308	1. EU type-approvals shall be granted for an unlimited duration.	1. EU type-approvals shall be granted for an unlimited duration.	1. EU type-approvals shall be granted for an unlimited duration.	
Article 26(2), first subparagraph				
309	2. An EU type-approval shall become invalid in each of the following cases:	2. An EU type-approval shall become invalid in each of the following cases:	2. An EU type-approval shall become invalid in each of the following cases:	
Article 26(2), first subparagraph, point (a)				
310	(a) production of the EU type-approved non-road mobile machinery is definitively discontinued voluntarily;	(a) production of the EU type-approved non-road mobile machinery is definitively discontinued voluntarily;	(a) production of the EU type-approved non-road mobile machinery is definitively discontinued voluntarily;	
Article 26(2), first subparagraph, point (b)				
311				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(b) new requirements applicable to the EU type-approved non-road mobile machinery become mandatory for the making available on the market, registration, or entry into service of non-road mobile machinery, and it is not possible to update the type-approval in accordance with Chapter V;	(b) new requirements applicable to the EU type-approved non-road mobile machinery become mandatory for the making available on the market, registration, or entry into service of non-road mobile machinery, and it is not possible to update the type-approval in accordance with Chapter V;	(b) new requirements applicable to the EU type-approved non-road mobile machinery become mandatory for the making available on the market, registration, or entry into service of non-road mobile machinery, and it is not possible to update the type-approval in accordance with Chapter V;	
Article 26(2), first subparagraph, point (c)				
312	(c) the validity of the EU type-approval expires by virtue of a restriction in accordance with Article 29(3);	(c) the validity of the EU type-approval expires by virtue of a restriction in accordance with Article 29(3);	(c) the validity of the EU type-approval expires by virtue of a restriction in accordance with Article 29(3);	
Article 26(2), first subparagraph, point (d)				
313	(d) the EU type-approval has been withdrawn in accordance with Article 22(5).	(d) the EU type-approval has been withdrawn in accordance with Article 22(5).	(d) the EU type-approval has been withdrawn in accordance with Article 22(5).	
Article 26(2), second subparagraph				
314	However, in the case of the first subparagraph, point (b), the EU type-approval and the relevant EU type-approval certificate shall become invalid 18 months after the date of applicability of the new	However, in the case of the first subparagraph, point (b), the EU type-approval and the relevant EU type-approval certificate shall become invalid 18 24 months after the date of applicability of the new	However, in the case of the first subparagraph, point (b), the EU type-approval and the relevant EU type-approval certificate for placing non-road mobile machinery on the market shall	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	requirements referred to in the first subparagraph, point (b).	requirements referred to in the first subparagraph, point (b).	become invalid 18 ²⁴ months after the date of applicability of the new requirements referred to in the first subparagraph, point (b).	
Article 26(3)				
315	3. Where only one variant within a type or one version within a variant is affected, the EU type-approval of the non-road mobile machinery in question shall become invalid only in so far as the particular variant or version is concerned.	3. Where only one variant within a type or one version within a variant is affected, the EU type-approval of the non-road mobile machinery in question shall become invalid only in so far as the particular variant or version is concerned.	3. Where only one variant within a type or one version within a variant is affected, the EU type-approval of the non-road mobile machinery in question shall become invalid only in so far as the particular variant or version is concerned.	
Article 26(4)				
316	4. When production of a particular type of non-road mobile machinery is definitively discontinued, the holder of EU type-approval shall notify the approval authority that granted the EU type-approval for that non-road mobile machinery thereof.	4. When production of a particular type of non-road mobile machinery is definitively discontinued, the holder of EU type-approval shall notify the approval authority that granted the EU type-approval for that non-road mobile machinery thereof.	4. When production of a particular type of non-road mobile machinery is definitively discontinued, the holder of EU type-approval shall notify the approval authority that granted the EU type-approval for that non-road mobile machinery thereof.	
Article 26(5)				
317	5. Within one month of receiving the notification referred to in paragraph 4, the approval authority	5. Within one month of receiving the notification referred to in paragraph 4, the approval authority	5. Within one month of receiving the notification referred to in paragraph 4, the approval authority	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	which granted the EU type-approval for the non-road mobile machinery shall inform the approval authorities of the other Member States, accordingly by means of a common secure electronic exchange system.	which granted the EU type-approval for the non-road mobile machinery shall inform the approval authorities of the other Member States, accordingly by means of a common secure electronic exchange system.	which granted the EU type-approval for the non-road mobile machinery shall inform the approval authorities of the other Member States, accordingly by means of a common secure electronic exchange system.	
Article 26(6), first subparagraph				
318	6. Without prejudice to paragraphs 4 and 5, in cases where an EU type-approval of a non-road mobile machinery is due to become invalid, the holder of EU type-approval shall notify the approval authority that granted the EU type-approval thereof.	6. Without prejudice to paragraphs 4 and 5, in cases where an EU type-approval of a non-road mobile machinery is due to become invalid, the holder of EU type-approval shall notify the approval authority that granted the EU type-approval thereof.	6. Without prejudice to paragraphs 4 and 5, in cases where an EU type-approval of a non-road mobile machinery is due to become invalid, the holder of EU type-approval shall notify the approval authority that granted the EU type-approval thereof.	
Article 26(6), second subparagraph				
319	The approval authority that granted the EU type-approval shall without delay communicate all relevant information to the approval authorities of the other Member States by means of a common secure electronic exchange system.	The approval authority that granted the EU type-approval shall without delay communicate all relevant information to the approval authorities of the other Member States by means of a common secure electronic exchange system.	The approval authority that granted the EU type-approval shall without delay communicate all relevant information to the approval authorities of the other Member States by means of a common secure electronic exchange system.	
Article 26(7)				
320				

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	7. The communication referred to in paragraph 6 shall specify, in particular, the date of production and the vehicle identification number of the last non-road mobile machinery produced.	7. The communication referred to in paragraph 6 shall specify, in particular, the date of production and the vehicle identification number of the last non-road mobile machinery produced.	7. The communication referred to in paragraph 6 shall specify, in particular, the date of production and the vehicle ^{unique} identification number of the last non-road mobile machinery produced.	
CHAPTER VII				
321	CHAPTER VII CERTIFICATE OF CONFORMITY AND THE STATUTORY PLATE WITH THE MARKING	CHAPTER VII CERTIFICATE OF CONFORMITY AND THE STATUTORY PLATE WITH THE MARKING	CHAPTER VII CERTIFICATE OF CONFORMITY AND THE STATUTORY PLATE WITH THE MARKING	
Article 27				
322	Article 27 Certificate of conformity	Article 27 Certificate of conformity	Article 27 Certificate of conformity	
Article 27(1)				
323	1. The manufacturer shall deliver a certificate of conformity to accompany each non-road mobile machinery that is manufactured in conformity with the EU type-approved non-road mobile machinery.	1. The manufacturer shall deliver a certificate of conformity to accompany each non-road mobile machinery that is manufactured in conformity with the EU type-approved non-road mobile machinery.	1. The manufacturer shall deliver a certificate of conformity to accompany each non-road mobile machinery that is manufactured in conformity with the EU type-approved non-road mobile machinery.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 27(2)				
324	2. The certificate of conformity shall be delivered free of charge to the end-user together with the non-road mobile machinery. Its delivery may not be made dependent on an explicit request or the submission of additional information to the holder of EU type-approval.	2. The certificate of conformity shall be delivered free of charge to the end-user together with the non-road mobile machinery. Its delivery may not be made dependent on an explicit request or the submission of additional information to the holder of EU type-approval.	2. The certificate of conformity shall be delivered free of charge to the end-user together with the non-road mobile machinery. Its delivery may not be made dependent on an explicit request or the submission of additional information to the holder of EU type-approval.	
Article 27(3), first subparagraph				
325	3. The certificate of conformity may be provided either in paper or in electronic format.	3. The certificate of conformity may shall be provided, free of charge, either to the end user, in paper format, or to the approval authority that has granted the EU type-approval, as structured data or in electronic format, without undue delay after the date of manufacture of the non-road mobile machinery.	3. The certificate of conformity may be provided either in paper or in electronic format.	
Article 27(3), second subparagraph				
326	However, if the purchaser requests, at the time of the purchase of the non-road mobile machinery, a paper format of that certificate, that certificate shall be provided in	However, if the purchaser requests, at the time of the purchase of the non-road mobile machinery, a paper format of that certificate, that certificate the manufacturer shall	However, if the purchaser requests, at the time of the purchase of the non-road mobile machinery, a paper format of that certificate, that certificate shall be provided in	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	paper format free of charge.	be provided provide, free of charge, that certificate in paper format free of charge to that purchaser.	paper format free of charge.	
Article 27(3), second subparagraph a				
326a		3a. The approval authority receiving the certificate of conformity, as structured data in electronic format, shall:		
Article 27(3), fourth subparagraph				
326b		(a) ensure that it can be accessed by the approval authorities, market surveillance authorities and registration authorities of the Member States and by the Commission; and		
Article 27(3), fifth subparagraph				
326c		(b) give read-only access.		
Article 27(3), sixth subparagraph				
326d		Member States shall establish the organisation and structure of their data network to enable data		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		reception of the certificates of conformity, preferably by making use of existing systems for the exchange of structured data.		
Article 27(4)				
327	4. For a period of 10 years after the production date of the non-road mobile machinery, the manufacturer shall, at the request of the non-road mobile machinery owner, issue a duplicate of the certificate of conformity against a payment not exceeding the cost of issuing it. The word 'duplicate' shall be clearly visible, in the language that the certificate of conformity was drawn up, on the face of any duplicate certificate.	4. For a period of 10 years after the production date of the non-road mobile machinery, the manufacturer shall, at the request of the non-road mobile machinery owner, issue a duplicate of the certificate of conformity against a payment not exceeding the cost of issuing it. The word 'duplicate' shall be clearly visible, in the language that the certificate of conformity was drawn up, on the face of any duplicate certificate.	4. For a period of 10 years after the production date of the non-road mobile machinery, the manufacturer shall, at the request of the non-road mobile machinery owner, issue a duplicate of the certificate of conformity against a payment not exceeding the cost of issuing it. The word 'duplicate' shall be clearly visible, in the language that the certificate of conformity was drawn up, on the face of any duplicate certificate.	
Article 27(5)				
328	5. The manufacturer shall use the template for the certificate of conformity adopted by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article	5. The manufacturer shall use the template of the paper and electronic formats for the certificate of conformity adopted by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination	5. The manufacturer shall use the template for the certificate of conformity adopted by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	46(2). The certificate of conformity shall be designed to prevent forgery. To that end, the implementing acts shall provide that the format used in the certificate shall be protected by several security features. The certificate of conformity shall be drawn up in an official language of a Member State. Any approval authority may request from the manufacturer the certificate of conformity to be translated into its own official languages.	procedure referred to in Article 46(2). The certificate of conformity shall be designed to prevent forgery. To that end, the implementing acts shall provide that the format used in the certificate shall be protected by several security features. The certificate of conformity shall be drawn up in an official language of a Member State. Any approval authority may request from the manufacturer the certificate of conformity to be translated into its own official languagesparagraph 5a. NB: sub-sections 2 and 3 of the original COM para 5 are actually not deleted in the Council mandate, they are moved to rows 328j (text modified) and 328k.	46(2). The certificate of conformity shall be designed to prevent forgery. To that end, the implementing acts shall provide that the format used in the certificate shall be protected by several security features. The certificate of conformity shall be drawn up in an official language of a Member State. Any approval authority may request from the manufacturer the certificate of conformity to be translated into its own official languages.	
Article 27(5a)				
328a		All data exchanges in accordance with this Article shall be performed by means of secure data exchange protocols specified in implementing acts referred to in paragraph 5a.		
Article 27(5b), first subparagraph				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
328b		5a. The Commission shall adopt implementing acts concerning the certificate of conformity in paper format, setting out, in particular:		
Article 27(5b), second subparagraph				
328c		(a) the template for the certificate of conformity;		
Article 27(5b), third subparagraph				
328d		(b) the security elements to prevent forgery of the certificate of conformity; and		
Article 27(5b), fourth subparagraph				
328e		(c) the specification concerning the manner of signing of the certificate of conformity.		
Article 27(5c), first subparagraph				
328f		Taking into account the data that are required to be provided on the certificate of conformity in paper format, the Commission		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		shall adopt implementing acts concerning certificates of conformity in electronic format setting out, in particular:		
Article 27(5c), second subparagraph				
328g		(a) the basic format and structure of the data elements of the certificates of conformity in electronic format and the messages used in the exchange;		
Article 27(5c), third subparagraph				
328h		(b) minimum requirements for secure data exchange, including the prevention of data corruption and data misuse, and measures to guarantee the authenticity of the electronic data, such as the use of digital signature;		
Article 27(5c), fourth subparagraph				
328i		(c) the means of exchange of the data of the certificate of conformity in electronic format.		
Article 27(5d)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
328j		The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 46 (2). cf. COM proposal in row 328		
Article 27(5e)				
328k		5b. The certificate of conformity shall be drawn up in an official language of a Member State. Any approval authority may request from the manufacturer the certificate of conformity to be translated into its own official languages. cf. COM proposal in row 328		
Article 27(6)				
329	6. The person authorised to sign certificates of conformity shall be in the organisation of the manufacturer and duly authorised by the management to fully engage the legal responsibility of the manufacturer with respect to the design and the construction or to	6. The person authorised to sign certificates of conformity shall be in the organisation of the manufacturer and duly authorised by the management to fully engage the legal responsibility of the manufacturer with respect to the design and the construction or to	6. The person authorised to sign certificates of conformity shall be in the organisation of the manufacturer and duly authorised by the management to fully engage the legal responsibility of the manufacturer with respect to the design and the construction or to	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the conformity of the production of the non-road mobile machinery.	the conformity of the production of the non-road mobile machinery.	the conformity of the production of the non-road mobile machinery.	
Article 27(7)				
330	7. The certificate of conformity shall be completed in its entirety and without containing restrictions as regards the use of the non-road mobile machinery other than those provided for in this Regulation..	7. The certificate of conformity shall be completed in its entirety and shall not contain without containing restrictions as regards the use of the non-road mobile machinery other than those provided for in this Regulation.-	7. The certificate of conformity shall be completed in its entirety and without containing restrictions as regards the use of the non-road mobile machinery other than those provided for in this Regulation..	
Article 27(8)				
331	8. The certificate of conformity shall, for non-road mobile machinery approved in accordance with Article 29(2), display in its title the phrase ‘For non-road mobile machinery, type-approved in application of Article 29(2) of [OP: please insert the full name and date of this regulation - adopted act] (provisional approval)’.	8. The certificate of conformity shall, for non-road mobile machinery approved in accordance with Article 29(2), display in its title the phrase ‘For non-road mobile machinery, type-approved in application of Article 29(2) of [OP: please insert the full name and date of this regulation - adopted act] (provisional approval)’.	8. The certificate of conformity shall, for non-road mobile machinery approved in accordance with Article 29(2), display in its title the phrase ‘For non-road mobile machinery, type-approved in application of Article 29(2) of [OP: please insert the full name and date of this regulation - adopted act] (provisional approval)’.	
Article 27(9)				
332	9. Without prejudice to paragraph 1, the manufacturer may transmit	<i>deleted</i>	9. Without prejudice to paragraph 1, the manufacturer may transmit	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the certificate of conformity by electronic means to the registration authority of any Member State.		the certificate of conformity by electronic means to the registration authority of any Member State.	
Article 28				
333	Article 28 Statutory plate with the marking of non-road mobile machinery	Article 28 Statutory plate with the marking of non-road mobile machinery	Article 28 Statutory plate with the marking of non-road mobile machinery	
Article 28(1)				
334	1. The manufacturer of a non-road mobile machinery shall affix to each non-road mobile machinery manufactured in conformity with the approved type a statutory plate with marking.	1. The manufacturer of a non-road mobile machinery shall affix to each non-road mobile machinery manufactured in conformity with the approved type a statutory plate with marking.	1. The manufacturer of a non-road mobile machinery shall affix to each non-road mobile machinery manufactured in conformity with the approved type a statutory plate with marking.	
Article 28(2)				
335	2. The statutory plate with the marking 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 46(2). The first such implementing acts shall be adopted by [OP:	2. The statutory plate with the marking 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 46(2). The first such implementing acts shall be adopted by [OP:	2. The statutory plate with the marking 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 46(2). The first such implementing acts shall be adopted by [OP:	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	please insert the date – 30 months from the date of entry into force of this regulation.].	please insert the date – 30 months from the date of entry into force of this regulation.].	please insert the date – 30 months from the date of entry into force of this regulation.].	
CHAPTER VIII				
336	CHAPTER VIII NEW TECHNOLOGIES OR NEW CONCEPTS	CHAPTER VIII NEW TECHNOLOGIES OR NEW CONCEPTS	CHAPTER VIII NEW TECHNOLOGIES OR NEW CONCEPTS	
Article 29				
337	Article 29 Exemptions for new technologies or new concepts	Article 29 Exemptions for new technologies or new concepts	Article 29 Exemptions for new technologies or new concepts	
Article 29(1)				
338	1. The application referred to in Article 17 may be submitted in respect of a type of non-road mobile machinery that incorporates new technologies or concepts which are incompatible with the applicable technical requirements.	1. The application referred to in Article 17 may be submitted in respect of a type of non-road mobile machinery that incorporates new technologies or concepts which are incompatible with the applicable technical requirements.	1. The application referred to in Article 17 may be submitted in respect of a type of non-road mobile machinery that incorporates new technologies or concepts which are incompatible with the applicable technical requirements.	
Article 29(2)				
339	2. The approval authority shall, after assessing all of the following	2. The approval authority shall, after assessing all of the following	2. The approval authority shall, after assessing all of the following	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	conditions are met, grant the EU type-approval for the non-road mobile machinery referred to in paragraph 1:	conditions are met, grant the EU type-approval for the non-road mobile machinery referred to in paragraph 1:	conditions are met, grant the EU type-approval for the non-road mobile machinery referred to in paragraph 1:	
Article 29(2), point (a)				
340	(a) the application states the reasons why the technologies or concepts in question are incompatible with the applicable technical requirements;	(a) the application states the reasons why the technologies or concepts in question are incompatible with the applicable technical requirements;	(a) the application states the reasons why the technologies or concepts in question are incompatible with the applicable technical requirements;	
Article 29(2), point (b)				
341	(b) the application describes the implications in relation to the covered aspects of the new technology and the measures taken in order to ensure at least an equivalent level of protection in relation to the covered aspects as that provided by the requirements from which exemption is sought;	(b) the application describes the implications in relation to the covered aspects of the new technology and the measures taken in order to ensure at least an equivalent level of protection in relation to the covered aspects as that provided by the requirements from which exemption is sought;	(b) the application describes the implications in relation to the covered aspects of the new technology and the measures taken in order to ensure at least an equivalent level of protection in relation to the covered aspects as that provided by the requirements from which exemption is sought;	
Article 29(2), point (c)				
342	(c) test descriptions and results carried out by a technical service designated to perform such activity or by the accredited in-house	(c) test descriptions and results carried out by a technical service designated to perform such activity or by the accredited in-house	(c) test descriptions and results carried out by a technical service designated to perform such activity or by the accredited in-house	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	technical service, referred to in Article 38, of that manufacturer demonstrate that the condition in point (b) is met.	technical service, referred to in Article 38, of that manufacturer demonstrate that the condition in point (b) is met.	technical service, referred to in Article 38, of that manufacturer demonstrate that the condition in point (b) is met.	
Article 29(3), first subparagraph				
343	3. The granting of such an EU type-approval exempting new technologies or new concepts shall be subject to authorisation by the Commission. That authorisation or the refusal to grant an authorisation shall be given by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 46(2).	3. The granting of such an EU type-approval exempting new technologies or new concepts shall be subject to authorisation by the Commission. That authorisation or the refusal to grant an authorisation shall be given by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 46(2).	3. The granting of such an EU type-approval exempting new technologies or new concepts shall be subject to authorisation by the Commission. That authorisation or the refusal to grant an authorisation shall be given by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 46(2).	
Article 29(3), second subparagraph				
344	Where appropriate, such implementing act shall specify whether the authorisation given by it is subject to any restrictions, including a validity period.	Where appropriate, such implementing act shall specify whether the authorisation given by it is subject to any restrictions, including a validity period.	Where appropriate, such implementing act shall specify whether the authorisation given by it is subject to any restrictions, including a validity period.	
Article 29(3), third subparagraph				
345	In all cases, the EU type-approval	In all cases, the EU type-approval	In all cases, the EU type-approval	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	shall be valid for at least 36 months.	shall be valid for at least 36 months.	shall be valid for at least 36 months.	
Article 29(4), first subparagraph				
346	4. Pending the decision on authorisation by the Commission, the approval authority may grant a provisional EU type-approval.	4. Pending the decision on authorisation by the Commission, the approval authority may grant a provisional EU type-approval.	4. Pending the decision on authorisation by the Commission, the approval authority may grant a provisional EU type-approval.	
Article 29(4), second subparagraph				
347	However, such EU type-approval shall be valid only in the territory of that Member State, in respect of a type of non-road mobile machinery covered by the exemption sought, and the Member States of which the approval authority accepted that approval in accordance with paragraph 5.	However, such EU type-approval shall be valid only in the territory of that Member State, in respect of a type of non-road mobile machinery covered by the exemption sought, and the Member States of which the approval authority accepted that approval in accordance with paragraph 5.	However, such EU type-approval shall be valid only in the territory of that Member State, in respect of a type of non-road mobile machinery covered by the exemption sought, and the Member States of which the approval authority accepted that approval in accordance with paragraph 5.	
Article 29(4), third subparagraph				
348	The approval authority that granted the provisional EU type-approval shall inform the Commission and other approval authorities without delay by means of a file containing the information referred to in paragraph 2 that all the conditions	The approval authority that granted the provisional EU type-approval shall inform the Commission and other approval authorities without delay by means of a file containing the information referred to in paragraph 2 that all the conditions	The approval authority that granted the provisional EU type-approval shall inform the Commission and other approval authorities without delay by means of a file containing the information referred to in paragraph 2 that all the conditions	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	referred to in that paragraph are fulfilled.	referred to in that paragraph are fulfilled.	referred to in that paragraph are fulfilled.	
Article 29(4), fourth subparagraph				
349	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. The Commission may adopt implementing acts in order to provide for templates for the type-approval certificate and the certificate of conformity for the purposes of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	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. The Commission may adopt implementing acts in order to provide for templates for the type-approval certificate and the certificate of conformity for the purposes of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	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. The Commission may adopt implementing acts in order to provide for templates for the type-approval certificate and the certificate of conformity for the purposes of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	
Article 29(5)				
350	5. An approval authority, other than the authority referred to in paragraph 4, may accept in writing the provisional EU type-approval referred to in paragraph 4, so that the validity of that provisional approval is extended in the territory of that Member State.	5. An approval authority, other than the authority referred to in paragraph 4, may accept in writing the provisional EU type-approval referred to in paragraph 4, so that the validity of that provisional approval is extended in the territory of that Member State.	5. An approval authority, other than the authority referred to in paragraph 4, may accept in writing the provisional EU type-approval referred to in paragraph 4, so that the validity of that provisional approval is extended in the territory of that Member State.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 29(6), first subparagraph				
351	6. Where the Commission refuses the authorisation, the approval authority shall immediately give notice to the holder of the provisional type-approval referred to in paragraph 3 that the provisional approval will be revoked six months after the date of applicability of the implementing act referred to in paragraph 3.	6. Where the Commission refuses the authorisation, the approval authority shall immediately give notice to the holder of the provisional type-approval referred to in paragraph 3 that the provisional approval will be revoked six months after the date of applicability of the implementing act referred to in paragraph 3.	6. Where the Commission refuses the authorisation, the approval authority shall immediately give notice to the holder of the provisional type-approval referred to in paragraph 3 that the provisional approval will be revoked six months after the date of applicability of the implementing act referred to in paragraph 3.	
Article 29(6), second subparagraph				
352	However, non-road mobile machinery may be placed on the market, registered or entered into service in the Member State of which the approval authority granted that approval and in any Member State of which the approval authority accepted that approval, if:	However, non-road mobile machinery may be placed on the market, registered or entered into service in the Member State of which the approval authority granted that approval and in any Member State of which the approval authority accepted that approval, if:	However, non-road mobile machinery may be placed on the market, registered or entered into service in the Member State of which the approval authority granted that approval and in any Member State of which the approval authority accepted that approval, if:	
Article 29(6), second subparagraph, point (a)				
353	(a) that machinery was manufactured in conformity with the provisional EU type approval before it ceased to be valid;	(a) that machinery was manufactured in conformity with the provisional EU type approval before it ceased to be valid;	(a) that machinery was manufactured in conformity with the provisional EU type approval before it ceased to be valid;	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 29(6), second subparagraph, point (b)				
354	(b) that machinery bears the statutory plate and marking, required by this Regulation;	(b) that machinery bears the statutory plate and marking, required by this Regulation;	(b) that machinery bears the statutory plate and marking, required by this Regulation;	
Article 29(6), second subparagraph, point (c)				
355	(c) the provisional certificate of conformity accompanies that machinery; and	(c) the provisional certificate of conformity accompanies that machinery; and	(c) the provisional certificate of conformity accompanies that machinery; and	
Article 29(6), second subparagraph, point (d)				
356	(d) the documents, information and instructions for the user have been drawn up as required by this Regulation.	(d) the documents, information and instructions for the user have been drawn up as required by this Regulation.	(d) the documents, information and instructions for the user have been drawn up as required by this Regulation.	
Article 30				
357	Article 30 Subsequent amendment of delegated and implementing acts	Article 30 Subsequent amendment of delegated and implementing acts	Article 30 Subsequent amendment of delegated and implementing acts	
Article 30(1)				
358	1. Where the Commission	1. Where the Commission	1. Where the Commission	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	authorises the granting of an exemption pursuant to Article 29, it shall immediately take the necessary steps to amend the delegated or implementing acts concerned to technological developments.	authorises the granting of an exemption pursuant to Article 29, it shall immediately take the necessary steps to amend the delegated or implementing acts concerned to reflect technological developments.	authorises the granting of an exemption pursuant to Article 29, it shall immediately take the necessary steps to amend the delegated or implementing acts concerned to technological developments.	
Article 30(2)				
359	2. As soon as the relevant acts have been amended, any restriction in the Commission decision authorising the exemption shall be lifted.	2. As soon as the relevant acts have been amended, any restriction in the Commission decision authorising the exemption shall be lifted.	2. As soon as the relevant acts have been amended, any restriction in the Commission decision authorising the exemption shall be lifted.	
Article 30(3)				
360	3. If the necessary steps to amend 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 an implementing decision adopted in accordance with the examination procedure referred to in Article 46(2), the Member State to extend the EU type-approval.	3. If the necessary steps to amend 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 an implementing decision adopted in accordance with the examination procedure referred to in Article 46(2), the Member State to extend the EU type-approval.	3. If the necessary steps to amend 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 an implementing decision adopted in accordance with the examination procedure referred to in Article 46(2), the Member State to extend the EU type-approval.	
Chapter VIIIa				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
360a		Chapter VIIla INDIVIDUAL APPROVAL		
Article 30a				
360b		Article 30a EU individual approval		
Article 30a(1)				
360c		1. Member States shall grant an EU individual approval for a non-road mobile machinery that complies with the requirements laid down in this Regulation.		
Article 30a(2)				
360d		2. An application for an EU individual approval for a non-road mobile machinery shall be submitted by the owner of the vehicle, the manufacturer, the manufacturer's representative or the importer.		
Article 30a(3)				
360e		3. The implementing acts		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		referred to in the first subparagraph of Article 15 may provide different detailed rules for non-road mobile machinery that is subject to individual approval. Those rules shall cover the test procedures referred to in Article 21(3)(b) and (c) and shall consist of non-destructive and simplified procedures in order to demonstrate compliance of the individual non-road mobile machinery by means of physical, virtual and mechanical assessment.		
Article 30a(4)				
360f		4. The EU individual approval certificate shall be given a unique number in accordance with a harmonised numbering system, which shall at least allow for the identification of the Member State which granted the EU individual approval.		
Article 30a(5)				
360g		5. The Commission shall adopt implementing acts laying down the template and the numbering		

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		system of EU individual approval certificates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).		
CHAPTER IX				
361	CHAPTER IX SAFEGUARD CLAUSES	CHAPTER IX SAFEGUARD CLAUSES	CHAPTER IX SAFEGUARD CLAUSES	
Article 31				
362	Article 31 National evaluation of non-road mobile machinery suspected of presenting a serious risk or not being in conformity	Article 31 National evaluation of non-road mobile machinery suspected of presenting a serious risk or not being in conformity	Article 31 National evaluation of non-road mobile machinery suspected of presenting a serious risk or not being in conformity	
Article 31(1)				
363	1. Where, based on their own market surveillance activities, or based on information provided by an approval authority or a manufacturer or based on complaints, the market surveillance authority of a Member State has sufficient reasons to believe that a non-road mobile machinery	1. Where, based on their own market surveillance activities, or based on information provided by an approval authority or a manufacturer or based on complaints, the market surveillance authority of a Member State has sufficient reasons to believe that a non-road mobile machinery	1. Where, based on their own market surveillance activities, or based on information provided by an approval authority or a manufacturer or based on complaints, the market surveillance authority of a Member State has sufficient reasons to believe that a non-road mobile machinery	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	presents a serious risk or is in not conformity with this Regulation, it shall carry out an evaluation of the non-road mobile machinery concerned with respect to the relevant provisions of this Regulation.	presents a serious risk or is in not conformity with the requirements of this Regulation, it shall carry out an evaluation of the non-road mobile machinery concerned with respect to the relevant provisions of this Regulation.	presents a serious risk or is in not conformity with this Regulation, it shall carry out an evaluation of the non-road mobile machinery concerned with respect to the relevant provisions of this Regulation.	
Article 31(2)				
364	2. The relevant economic operators and the relevant approval authorities shall cooperate fully with the market surveillance authorities.	2. The relevant economic operators and the relevant approval authorities shall cooperate fully with the market surveillance authorities.	2. The relevant economic operators and the relevant approval authorities shall cooperate fully with the market surveillance authorities.	
Article 32				
365	Article 32 National procedures for dealing with non-road mobile machinery presenting a serious risk or not being in conformity	Article 32 National procedures for dealing with non-road mobile machinery presenting a serious risk or not being in conformity	Article 32 National procedures for dealing with non-road mobile machinery presenting a serious risk or not being in conformity	
Article 32(1)				
366	1. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery presents a	1. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery presents a	1. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery presents a	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	serious risk, it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the non-road mobile machinery concerned no longer presents that risk.	serious risk, it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the non-road mobile machinery concerned no longer presents that risk.	serious risk or is not in conformity with this Regulation , it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the non-road mobile machinery concerned no longer presents that risk or is brought into conformity. That period shall be proportionate to the seriousness of the risk or non-conformity.	
Article 32(2)				
367	2. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery is not in conformity with this Regulation and that it does not present a serious risk as referred to in paragraph 1, that authority shall require without delay that the relevant economic operator takes all appropriate corrective measures within a reasonable period to bring that machinery into conformity. That period shall be proportionate to the seriousness of non-compliance.	2. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery is not in conformity with the requirements of this Regulation and that it does not present a serious risk as referred to in paragraph 1, that authority shall require without delay that the relevant economic operator takes all appropriate corrective measures within a reasonable period to bring that machinery into conformity. That period shall be proportionate to the seriousness of non-compliance.	<i>deleted</i>	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
<i>Article 32(3)</i>				
368	3. Economic operators shall, in accordance with the obligations set out in Articles 6 to 13, ensure that all appropriate corrective measures are taken in respect of all concerned non-road mobile machinery that they have placed on the market, registered or entered into service.	3. Economic operators shall, in accordance with the obligations set out in Articles 6 to 13, ensure that all appropriate corrective measures are taken in respect of all concerned non-road mobile machinery that they have placed on the market, registered or entered into service.	3. Economic operators shall, in accordance with the obligations set out in Articles 6 to 13, ensure that all appropriate corrective measures are taken in respect of all concerned non-road mobile machinery that they have placed on the market, registered or entered into service.	
<i>Article 32(4)</i>				
369	4. Where economic operators do not take appropriate corrective measures within the relevant period referred to in paragraph 1 or 2 or where the risk requires rapid action, the national authorities shall take all appropriate provisional restrictive measures to prohibit or restrict the making available on the market, the registration, including a prohibition from circulating on public roads, or the entry into service of the concerned non-road mobile machinery, on their national market, or to withdraw them from that market or to recall them.	4. Where economic operators do not take appropriate corrective measures within the relevant period referred to in paragraph 1 or 2 or where the risk requires rapid action, the national authorities shall take all appropriate provisional restrictive measures to prohibit or restrict the making available on the market, the registration, including a prohibition from circulating on public roads, or the entry into service of the concerned non-road mobile machinery, on their national market, or to withdraw them from that market or to recall them.	4. Where economic operators do not take appropriate corrective measures within the relevant period referred to in paragraph 1 or 2 or where the risk requires rapid action, the national authorities shall take all appropriate provisional restrictive measures to prohibit or restrict the making available on the market, the registration, including a prohibition from circulating on public roads, or the entry into service of the concerned non-road mobile machinery, on their national market, or to withdraw them from that market or to recall them.	

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			them.	
Article 32(5)				
370	5. Article 18 of Regulation (EU) 2019/1020 shall apply to the restrictive measures referred to in paragraph 4.	5. Article 18 of Regulation (EU) 2019/1020 shall apply to the restrictive measures referred to in paragraph 4.	5. Article 18 of Regulation (EU) 2019/1020 shall apply to the restrictive measures referred to in paragraph 4.	
Article 33				
371	Article 33 Corrective and restrictive measures at Union level	Article 33 Corrective and restrictive measures at Union level	Article 33 Corrective and restrictive measures at Union level	
Article 33(1), first subparagraph				
372	1. The market surveillance authority taking either a corrective or a restrictive measures in accordance with Article 32 shall notify the Commission and the national authorities of other Member States without delay, by means of the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.	1. The market surveillance authority Member State taking either a corrective or a restrictive measures in accordance with Article 32 shall notify the Commission and the national authorities of other Member States without delay, by means of the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.	1. The market surveillance authority taking either a corrective or a restrictive measures in accordance with Article 32 shall notify the Commission and the national authorities of other Member States without delay, by means of the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.	
Article 33(1), second subparagraph				

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373	It shall also inform without delay the approval authority that granted the approval about its findings. In the cases of non-road machinery that presents a serious risk the corrective or restrictive measures shall also be notified via the Rapid Information Exchange System (RAPEX) referred to in Article 12 of Directive 2001/95/EC of the European Parliament and of the Council ¹. 1. Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).	It shall also inform without delay the approval authority that granted the approval about its findings. In the cases of non-road mobile machinery that presents a serious risk the corrective or restrictive measures shall also be notified via the Rapid Information Exchange System (RAPEX) referred to in Article 12 of Directive 2001/95/EC of the European Parliament and of the Council ¹. 1. Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).	It shall also inform without delay the approval authority that granted the approval about its findings. In the cases of non-road machinery that presents a serious risk thethose corrective or restrictive measures shall also be notified via the Rapid Information Exchange System (RAPEX) referred to in Article 12 of Directive 2001/95/EC of the European Parliament and of the Council ¹. 1. Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).	
Article 33(1), third subparagraph				
374	The information provided in accordance with the first and second subparagraph shall include all available details, including the data necessary for the identification of the concerned non-road mobile machinery, the origin of that mobile machinery, the nature of the alleged non-compliance or the risk involved, the nature and duration of the national corrective and restrictive measures taken, and the arguments put forward, when those	The information provided in accordance with the first and second subparagraph shall include all available details, including the data necessary for the identification of the concerned non-road mobile machinery, the origin of that mobile machinery, the nature of the alleged non-compliance or the risk involved, the nature and duration of the national corrective and restrictive measures taken, and the arguments put forward, when those	The information provided in accordance with the first and second subparagraph shall include all available details, including the data necessary for the identification of the concerned non-road mobile machinery, theits origin of that mobile machinery, the nature of the alleged non-compliance or the risk involved, the nature and duration of the national corrective and restrictive measures taken, and the arguments put forward, when those	

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	arguments are put forward, by the relevant economic operator.	arguments are put forward, by the relevant economic operator.	arguments are put forward, by the relevant economic operator.	
Article 33(2)				
375	2. The Member State that takes the corrective or restrictive measure shall indicate whether the risk or the non-compliance is due to the following:	2. The Member State that takes the corrective or restrictive measure shall indicate whether the risk or the non-compliance is due to the following:	2. The Member State that takes the corrective or restrictive measure shall indicate whether the risk or the non-compliance is due to the following:	
Article 33(2), point (a)				
376	(a) the failure of the non-road mobile machinery to comply with this Regulation; or	(a) the failure of the non-road mobile machinery to comply with this Regulation; or	(a) the failure of the non-road mobile machinery to comply with this Regulation; or	
Article 33(2), point (b)				
377	(b) shortcomings in the relevant regulatory acts adopted pursuant to this Regulation.	(b) shortcomings in the relevant regulatory acts adopted pursuant to this Regulation.	(b) shortcomings in the relevant regulatory acts adopted pursuant to this Regulation.	
Article 33(3)				
378	3. Member States other than the Member State that takes corrective or restrictive measures shall inform within one month after the notification referred to in	3. Member States other than the Member State that takes corrective or restrictive measures shall inform within one month after the notification referred to in	3. Member States other than the Member State that takes corrective or restrictive measures shall inform within one month after the notification referred to in	

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	paragraph 1, the Commission and the other Member States of any corrective or restrictive measures they have adopted and of any information at their disposal relating to the non-compliance or the risk of the non-road mobile machinery concerned, as well as, in the event of disagreement with the notified national measure, of their objections.	paragraph 1, the Commission and the other Member States of any corrective or restrictive measures they have adopted and of any information at their disposal relating to the non-compliance or the risk of the non-road mobile machinery concerned, as well as, in the event of disagreement with the notified national measure, of their objections.	paragraph 1, the Commission and the other Member States of any corrective or restrictive measures they have adopted and of any information at their disposal relating to the non-compliance or the risk of the non-road mobile machinery concerned, as well as, in the event of disagreement with the notified national measure, of their objections.	
Article 33(4)				
379	4. Where, within three months after the notification referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a notified national measure, the other Member States shall ensure that similar corrective or restrictive measures are taken without delay within their territories in respect of the non-road mobile machinery concerned.	4. Where, within three months after the notification referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a notified national measure, the other Member States shall ensure that similar corrective or restrictive measures are taken without delay within their territories in respect of the non-road mobile machinery concerned.	4. Where, within three months after the notification referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a notified national measure, the other Member States shall ensure that similar corrective or restrictive measures are taken without delay within their territories in respect of the non-road mobile machinery concerned.	
Article 33(5)				
380	5. Where, within three months after the notification referred to in paragraph 1, another Member State	5. Where, within three months after the notification referred to in paragraph 1, another Member State	5. Where, within three months after the notification referred to in paragraph 1, another Member State	

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	or the Commission raises an objection in respect of a notified national measure, or where the Commission considers that a notified national measure is contrary to Union law, the Commission shall consult the Member States concerned and the relevant economic operator or operators without delay.	or the Commission raises an objection in respect of a notified national measure, or where the Commission considers that a notified national measure is contrary to Union law, the Commission shall consult the Member States concerned and the relevant economic operator or operators without delay.	or the Commission raises an objection in respect of a notified national measure, or where the Commission considers that a notified national measure is contrary to Union law, the Commission shall consult the Member States concerned and the relevant economic operator or operators without delay.	
Article 33(6)				
381	6. On the basis of the consultation referred to in paragraph 5, the Commission shall adopt implementing acts to decide on harmonised corrective or restrictive measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	6. On the basis of the consultation referred to in paragraph 5, the Commission shall adopt implementing acts to decide on harmonised corrective or restrictive measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	6. On the basis of the consultation referred to in paragraph 5, the Commission shall adopt implementing acts to decide on harmonised corrective or restrictive measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).	
Article 33(7)				
382	7. The Commission shall immediately communicate the decision referred to in paragraph 6 to the relevant economic operator or operators. Member States shall enforce measures contained in the	7. The Commission shall immediately communicate the decision referred to in paragraph 6 to the relevant economic operator or operators. Member States shall enforce measures contained in the	7. The Commission shall immediately communicate the decision referred to in paragraph 6 to the relevant economic operator or operators. Member States shall enforce measures contained in the	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	acts referred to in paragraph 6 without delay and shall inform the Commission accordingly.	acts referred to in paragraph 6 without delay and shall inform the Commission accordingly.	acts referred to in paragraph 6 without delay and shall inform the Commission accordingly.	
Article 33(8)				
383	8. Where the Commission considers that a notified national measure is unjustified or contrary to Union law, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 6.	8. Where the Commission considers that a notified national measure is unjustified or contrary to Union law, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 6.	8. Where the Commission considers that a notified national measure is unjustified or contrary to Union law, the Member State concerned shall withdraw or adapt the measure, in accordance with the Commission decision referred to in paragraph 6.	
Article 33(9)				
384	9. Where the risk or non-compliance is attributed to shortcomings in regulatory acts adopted pursuant to this Regulation, the Commission shall propose the necessary amendments to the acts concerned.	9. Where the risk or non-compliance is attributed to shortcomings in regulatory acts adopted pursuant to this Regulation, the Commission shall propose the necessary amendments to the acts concerned.	9. Where the risk or non-compliance is attributed to shortcomings in regulatory acts adopted pursuant to this Regulation, the Commission shall propose the necessary amendments to the acts concerned.	
Article 33(10)				
385	10. Where a corrective measure is considered to be justified in accordance with this Article or is subject to the implementing acts as	10. Where a corrective measure is considered to be justified in accordance with this Article or is subject to the implementing acts as	10. Where a corrective measure is considered to be justified in accordance with this Article or is subject to the implementing acts as	

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	referred to in paragraph 6, that measure shall be available free of charge to holders of registrations for the affected non-road mobile machinery. Where repairs have been carried out at the registration holder's expense before the adoption of the corrective measure, the manufacturer shall reimburse the cost of such repairs up to the cost of the repairs required by that corrective measure.	referred to in paragraph 6, that measure shall be available free of charge to holders of registrations the owners for the affected non-road mobile machinery. Where repairs have been carried out at the registration holder's expense before the adoption of the corrective measure, the manufacturer shall reimburse the cost of such repairs up to the cost of the repairs required by that corrective measure.	referred to in paragraph 6, that measure shall be available free of charge to holders of registrations for the affected non-road mobile machinery. Where repairs have been carried out at the registration holder's expense before the adoption of the corrective measure, the manufacturer shall reimburse the cost of such repairs up to the cost of the repairs required by that corrective measure.	
Article 33a				
385a		Article 33a Non-compliant EU type-approval		
Article 33a(1)				
385b		1. Where an approval authority finds that a type-approval that has been granted does not comply with this Regulation, it shall refuse to recognise that approval.		
Article 33a(2)				
385c		2. The approval authority shall		

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		notify its refusal to the approval authority that granted the EU type-approval, to the approval authorities of the other Member States, and to the Commission. Where within one month after the notification, the non-compliance of the type-approval is confirmed by the approval authority that granted the EU type-approval, that approval authority shall withdraw the type-approval.		
Article 33a(3)				
385d		3. Where, within one month after the notification referred to in paragraph 2, an objection has been raised by the approval authority that granted the EU type-approval, the Commission shall consult the Member States without delay, in particular the approval authority that granted the type-approval and the relevant economic operator.		
Article 33a(4)				
385e		4. On the basis of the consultation referred to in		

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		paragraph 3 of this Article, the Commission shall adopt implementing acts to decide if the refusal of recognition of EU type-approval referred to in paragraph 1 of this Article is justified. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). The Commission shall immediately communicate the decision referred to in the first subparagraph to the relevant economic operators. The Member States shall implement such acts without delay and shall inform the Commission accordingly.		
Article 33a(5)				
385f		5. Where, following tests and inspections carried out by the Commission, the Commission establishes that a type-approval that has been granted is not compliant with this Regulation, it shall consult the Member States without delay, in particular the approval authority that granted the type-approval and the relevant economic operator. On		

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		the basis of consultations referred to in the first subparagraph of this paragraph the Commission shall adopt an implementing act to decide on the refusal of the recognition of type-approval referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).		
Article 33a(6)				
385g		6. Articles 31, 32 and 33 apply to non-road mobile machinery that are the subject of a non-compliant type-approval and that are already made available on the market.		
CHAPTER X				
386	CHAPTER X PROVISION OF TECHNICAL INFORMATION	CHAPTER X PROVISION OF TECHNICAL INFORMATION	CHAPTER X PROVISION OF TECHNICAL INFORMATION	
Article 34				
387	Article 34	Article 34	Article 34	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Information intended for users	Information intended for users	Information intended for users	
Article 34(1)				
388	1. The manufacturer shall not supply any technical information related to the particulars provided for in this Regulation which diverges from the particulars approved by the approval authority.	1. The manufacturer shall not supply any technical information related to the particulars provided for in this Regulation which diverges from the particulars approved by the approval authority.	1. The manufacturer shall not supply any technical information related to the particulars provided for in this Regulation which diverges from the particulars approved by the approval authority.	
Article 34(2)				
389	2. The manufacturer shall make available to users all relevant information and necessary instructions describing any conditions or restrictions linked to the use of a non-road mobile machinery.	2. The manufacturer shall make available to users all relevant information and necessary instructions describing any conditions or restrictions linked to the use of a non-road mobile machinery.	2. The manufacturer shall make available to users all relevant information and necessary instructions describing any conditions or restrictions linked to the use of a non-road mobile machinery. The approval authorities shall provide guidance on the minimum information and instructions that need to be made available.	
Article 34(3)				
390	3. The information referred to in paragraph 2 shall be provided in the operator's manual for road use.	3. The information referred to in paragraph 2 shall be provided in the operator's manual for road use.	3. The information referred to in paragraph 2 shall be provided in the operator's manual for road use,	

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			or as a separate part of the other operator's instructions.	
Article 34(4), first subparagraph				
391	4. The operator's manual for road use, including the information referred to in paragraph 2, shall be made available with the non-road mobile machinery and supplied:	4. The operator's manual for road use, including the information referred to in paragraph 2, shall be made available with the non-road mobile machinery and supplied:	4. The operator's manual for road use, including the information referred to in paragraph 2, shall be made available with the non-road mobile machinery and supplied:	
Article 34(4), first subparagraph, point (a)				
392	(a) in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service; and	(a) in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service; and	(a) in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service; and	
Article 34(4), first subparagraph, point (b)				
393	(b) in paper or electronic format.	(b) in paper or electronic format.	(b) in paper or in an easily accessible electronic format.	
Article 34(4), second subparagraph				
394	When the operator's manual is provided in electronic format, the manufacturer shall provide information in printed or paper	When the operator's manual is provided in electronic format, the manufacturer shall provide information in printed or paper	When the operator's manual is provided in electronic format, the manufacturer shall provide information in printed or paper	

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	format on how to access or find that manual, in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service.	format on how to access or find that manual, in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service.	format on how to access or find that manual, in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service.	
CHAPTER XI				
395	CHAPTER XI DESIGNATION AND NOTIFICATION OF TECHNICAL SERVICES	CHAPTER XI DESIGNATION AND NOTIFICATION OF TECHNICAL SERVICES	CHAPTER XI DESIGNATION AND NOTIFICATION OF TECHNICAL SERVICES	
Article 35				
396	Article 35 Requirements relating to technical services	Article 35 Requirements relating to technical services	Article 35 Requirements relating to technical services	
Article 35(1)				
397	1. Designating approval authorities shall ensure that before they designate a technical service pursuant to Article 37, that service meets the requirements laid down in paragraphs 2 to 10 of this Article.	1. Designating approval authorities shall ensure that before they designate a technical service pursuant to Article 37, that service meets the requirements laid down in paragraphs 2 to 10 of this Article.	1. Designating approval authorities shall ensure that before they designate a technical service pursuant to Article 37, that service meets the requirements laid down in paragraphs 2 to 10 of this Article.	

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Article 35(2)				
398	2. A technical service shall be established under the national legislation and have legal personality except for a technical service belonging to a type-approval authority and except for an accredited in-house technical service of the manufacturer, as referred to in Article 38.	2. A technical service shall be established under the national legislation and have legal personality except for a technical service belonging to a type-approval authority and except for an accredited in-house technical service of the manufacturer, as referred to in Article 38.	2. A technical service shall be established under the national legislation and have legal personality except for a technical service belonging to a type-approval authority and except for an accredited in-house technical service of the manufacturer, as referred to in Article 38.	
Article 35(3), first subparagraph				
399	3. A technical service shall be a third-party body independent of the process of design, manufacturing, supply or maintenance of the non-road mobile machinery it assesses.	3. A technical service shall be a third-party body independent of the process of design, manufacturing, supply or maintenance of the non-road mobile machinery it assesses.	3. A technical service shall be a third-party body independent of the process of design, manufacturing, supply or maintenance of the non-road mobile machinery it assesses.	
Article 35(3), second subparagraph				
400	A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of non-road mobile machinery which it assesses, tests or inspects may, on condition that its independence and the absence of any conflict of	A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of non-road mobile machinery which it assesses, tests or inspects may, on condition that its independence and the absence of any conflict of	A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of non-road mobile machinery which it assesses, tests or inspects may, on condition that its independence and the absence of any conflict of	

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	interest are demonstrated, be considered as fulfilling the requirements of the first subparagraph.	interest are demonstrated, be considered as fulfilling the requirements of the first subparagraph.	interest are demonstrated, be considered as fulfilling the requirements of the first subparagraph.	
Article 35(4)				
401	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 37(1) shall not be the designer, manufacturer, supplier or maintainer of the non-road mobile machinery which they assess, nor represent parties engaged in those activities. This shall not preclude the use of assessed non-road mobile machinery referred to in paragraph 3 that are necessary for the operation of the technical service or the use of such non-road mobile machinery for personal purposes.	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 37(1) shall not be the designer, manufacturer, supplier or maintainer of the non-road mobile machinery which they assess, nor represent parties engaged in those activities. This shall not preclude the use of assessed non-road mobile machinery referred to in paragraph 3 that are necessary for the operation of the technical service or the use of such non-road mobile machinery for personal purposes.	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 37(1) shall not be the designer, manufacturer, supplier or maintainer of the non-road mobile machinery which they assess, nor represent parties engaged in those activities. This shall not preclude the use of assessed non-road mobile machinery referred to in paragraph 3 that are necessary for the operation of the technical service or the use of such non-road mobile machinery for personal purposes.	
Article 35(5)				
402	5. A technical service shall ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or	5. A technical service shall ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or	5. A technical service shall ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	impartiality of the categories of activities for which it has been designated.	impartiality of the categories of activities for which it has been designated.	impartiality of the categories of activities for which it has been designated.	
Article 35(6)				
403	6. A technical service and its personnel shall carry out the 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 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.	6. A technical service and its personnel shall carry out the 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 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.	6. A technical service and its personnel shall be independent and carry out the 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 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.	
Article 35(7), first subparagraph				
404	7. A technical service shall be capable of carrying out all the categories of activities for which it has been designated in accordance with Article 37(1), by demonstrating to the satisfaction of	7. A technical service shall be capable of carrying out all the categories of activities for which it has been designated in accordance with Article 37(1), by demonstrating to the satisfaction of	7. A technical service shall be capable of carrying out all the categories of activities for which it has been designated in accordance with Article 37(1), by demonstrating to the satisfaction of	

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	its designating approval authority, that it has:	its designating approval authority, that it has:	its designating approval authority, that it has:	
Article 35(7), first subparagraph, point (a)				
405	(a) personnel with appropriate skills, specific technical knowledge and vocational training as well as sufficient and appropriate experience to perform the task;	(a) personnel with appropriate skills, specific technical knowledge and vocational training as well as sufficient and appropriate experience to perform the task;	(a) personnel with appropriate skills, specific technical knowledge and vocational training as well as sufficient and appropriate experience to perform the task;	
Article 35(7), first subparagraph, point (b)				
406	(b) descriptions of the procedures relevant for the categories of activities for which it is seeking to be designated, ensuring the transparency and reproducibility of those procedures;	(b) descriptions of the procedures relevant for the categories of activities for which it is seeking to be designated, ensuring the transparency and reproducibility of those procedures;	(b) descriptions of the procedures relevant for the categories of activities for which it is seeking to be designated, ensuring the transparency and reproducibility of those procedures;	
Article 35(7), first subparagraph, point (c)				
407	(c) procedures for the performance of the categories of activities for which it is seeking to be designated which take due account of the degree of complexity of the technology of the non-road mobile machinery in question, and the mass or serial nature of the production process; and	(c) procedures for the performance of the categories of activities for which it is seeking to be designated which take due account of the degree of complexity of the technology of the non-road mobile machinery in question, and the mass or serial nature of the production process; and	(c) procedures for the performance of the categories of activities for which it is seeking to be designated which take due account of the degree of complexity of the technology of the non-road mobile machinery in question, and the mass or serial nature of the production process; and	

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Article 35(7), first subparagraph, point (d)				
408	(d) means necessary to perform in an appropriate manner the tasks connected with the categories of activities for which it is seeking to be designated and that it has access to all necessary equipment or facilities.	(d) means necessary to perform in an appropriate manner the tasks connected with the categories of activities for which it is seeking to be designated and that it has access to all necessary equipment or facilities.	(d) means necessary to perform in an appropriate manner the tasks connected with the categories of activities for which it is seeking to be designated and that it has access to all necessary equipment or facilities.	
Article 35(7), second subparagraph				
409	In addition, it shall demonstrate to the designating approval authority its compliance with the rules laid down in the delegated acts referred to in Article 41 which are relevant for the categories of activities for which it is designated.	In addition, it shall demonstrate to the designating approval authority its compliance with the rules laid down in the delegated acts referred to in Article 41 which are relevant for the categories of activities for which it is designated.	In addition, it shall demonstrate to the designating approval authority its compliance with the rules laid down in the delegated acts referred to in Article 41 which are relevant for the categories of activities for which it is designated.	
Article 35(8)				
410	8. The technical services, their top-level management and the assessment personnel shall be impartial. 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	8. The technical services, their top-level management and the assessment personnel shall be impartial. 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	8. The technical services, their top-level management and the assessment personnel shall be impartial. 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	

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	they are designated.	they are designated.	they are designated.	
Article 35(9)				
411	9. Technical services shall take out liability insurance related to their activities unless liability is assumed by the Member State in accordance with their national legislation, or the Member State itself is directly responsible for the conformity assessment.	9. Technical services shall take out liability insurance related to their activities unless liability is assumed by the Member State in accordance with their national legislation, or the Member State itself is directly responsible for the conformity assessment.	9. Technical services shall take out liability insurance related to their activities unless liability is assumed by the Member State in accordance with their national legislation, or the Member State itself is directly responsible for the conformity assessment.	
Article 35(10)				
412	10. 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 legislation giving effect to it, except in relation to the designating approval authority or where required by Union or national legislation. Proprietary rights shall be protected.	10. 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 legislation giving effect to it, except in relation to the designating approval authority or where required by Union or national legislation. Proprietary rights shall be protected.	10. 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 legislation giving effect to it, except in relation to the designating approval authority or where required by Union or national legislation. Proprietary rights shall be protected.	
Article 36				
413	Article 36	Article 36	Article 36	

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	Subsidiaries of and subcontracting by technical services	Subsidiaries of and subcontracting by technical services	Subsidiaries of and subcontracting by technical services	
Article 36(1)				
414	1. Technical services may subcontract some of their activities for which they have been designated in accordance with Article 37(1) or have those activities carried out by a subsidiary only with the agreement of their designating approval authority.	1. Technical services may subcontract some of their activities for which they have been designated in accordance with Article 37(1) or have those activities carried out by a subsidiary only with the agreement of their designating approval authority.	1. Technical services may subcontract some of their activities for which they have been designated in accordance with Article 37(1) or have those activities carried out by a subsidiary only with the agreement of their designating approval authority.	
Article 36(2)				
415	2. Where a technical service subcontracts specific tasks connected with 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 meet the requirements set out in Article 35 and shall inform the designating approval authority accordingly.	2. Where a technical service subcontracts specific tasks connected with 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 meet the requirements set out in Article 35 and shall inform the designating approval authority accordingly.	2. Where a technical service subcontracts specific tasks connected with 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 meet the requirements set out in Article 35 and shall inform the designating approval authority accordingly.	
Article 36(3)				
416				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	3. Technical services shall take full responsibility for the tasks performed by any of their 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.	3. Technical services shall take full responsibility for the tasks performed by any of their subcontractors or subsidiaries, wherever these are established.	
Article 36(4)				
417	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 tasks performed by them.	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 tasks performed by them.	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 tasks performed by them.	
Article 37				
418	Article 37 Designation of technical services	Article 37 Designation of technical services	Article 37 Designation of technical services	
Article 37(1)				
419	1. Technical services shall be designated for one or more of the following categories of activities, depending on their field of competence:	1. Technical services shall be designated for one or more of the following categories of activities, depending on their field of competence:	1. Technical services shall be designated for one or more of the following categories of activities, depending on their field of competence:	
Article 37(1), point (a)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
420	(a) category A: technical services which carry out the tests referred to in this Regulation in their own facilities;	(a) category A: technical services which carry out the tests referred to in this Regulation in their own facilities;	(a) category A: technical services which carry out the tests referred to in this Regulation in their own facilities;	
Article 37(1), point (b)				
421	(b) category B: technical services which supervise the tests referred to in this Regulation, where such tests are performed in the manufacturer's facilities or in the facilities of a third party;	(b) category B: technical services which supervise the tests referred to in this Regulation, where such tests are performed in the manufacturer's facilities or in the facilities of a third party;	(b) category B: technical services which supervise the tests referred to in this Regulation, where such tests are performed in the manufacturer's facilities or in the facilities of a third party;	
Article 37(1), point (c)				
422	(c) category C: technical services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;	(c) category C: technical services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;	(c) category C: technical services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;	
Article 37(1), point (d)				
423	(d) category D: technical services which supervise or perform tests or inspections for the surveillance of conformity of production.	(d) category D: technical services which supervise or perform tests or inspections for the surveillance of conformity of production.	(d) category D: technical services which supervise or perform tests or inspections for the surveillance of conformity of production.	
Article 37(2)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
424	2. An approval authority may be designated as a technical service for one or more of the activities referred to in paragraph 1.	2. An approval authority may be designated as a technical service for one or more of the activities referred to in paragraph 1.	2. An approval authority may be designated as a technical service for one or more of the activities referred to in paragraph 1.	
Article 37(3)				
425	3. Technical services of a third country, other than those designated in accordance with Article 38, may be notified for the purposes of Article 41, 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 prevent a technical service established under the national legislation in accordance with Article 35(2) from establishing subsidiaries in third countries, provided that the subsidiaries are directly managed and controlled by the designated technical service.	3. Technical services of a third country, other than those designated in accordance with Article 38, may be notified for the purposes of Article 41, 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 prevent a technical service established under the national legislation in accordance with Article 35(2) from establishing subsidiaries in third countries, provided that the subsidiaries are directly managed and controlled by the designated technical service.	3. Technical services of a third country, other than those designated in accordance with Article 38, may be notified for the purposes of Article 41, 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 prevent a technical service established under the national legislation in accordance with Article 35(2) from establishing subsidiaries in third countries, provided that the subsidiaries are directly managed and controlled by the designated technical service.	
Article 38				
426	Article 38 Accredited in-house technical services of the manufacturer	Article 38 Accredited in-house technical services of the manufacturer	Article 38 Accredited in-house technical services of the manufacturer	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 38(1)				
427	1. An accredited in-house technical service of a manufacturer may be designated only for carrying out activities under category A, as referred to in point (a) of Article 37(1). That technical service shall constitute a separate and distinct part of the undertaking and shall not be involved in the design, manufacturing, supply or maintenance of the non-road mobile machinery, systems, components or separate technical units it assesses.	1. An accredited in-house technical service of a manufacturer may be designated only for carrying out activities under category A, as referred to in point (a) of Article 37(1). That technical service shall constitute a separate and distinct part of the undertaking and shall not be involved in the design, manufacturing, supply or maintenance of the non-road mobile machinery, systems, components or separate technical units it assesses.	1. An accredited in-house technical service of a manufacturer may be designated only for carrying out activities under category A, as referred to in point (a) of Article 37(1). That technical service shall constitute a separate and distinct part of the undertaking and shall not be involved in the design, manufacturing, supply or maintenance of the non-road mobile machinery, systems, components or separate technical units it assesses.	
Article 38(2)				
428	2. An accredited in-house technical service shall be designated by the approval authority of a Member State and meet the following requirements:	2. An accredited in-house technical service shall be designated by the approval authority of a Member State and meet the following requirements:	2. An accredited in-house technical service shall be designated by the approval authority of a Member State and meet the following requirements:	
Article 38(2), point (a)				
429	(a) the accredited in-house technical service shall be accredited by a national	(a) the accredited in-house technical service shall be accredited by a national	(a) the accredited in-house technical service shall be accredited by a national	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008 of the European Parliament and of the Council¹ and in accordance with the rules referred to in Article 39; 1. 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 and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008 of the European Parliament and of the Council¹ and in accordance with the rules referred to in Article 39; 1. 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 and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008 of the European Parliament and of the Council¹ and in accordance with the rules referred to in Article 39; 1. 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 and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	
Article 38(2), point (b)				
430	(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;	(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;	(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;	
Article 38(2), point (c)				
431	(c) neither the accredited in-house technical service nor its personnel shall engage in any activity that might conflict with their	(c) neither the accredited in-house technical service nor its personnel shall engage in any activity that might conflict with their	(c) neither the accredited in-house technical service nor its personnel shall engage in any activity that might conflict with their	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	independence of judgment or integrity in relation to the categories of activities for which they have been designated;	independence of judgment or integrity in relation to the categories of activities for which they have been designated;	independence of judgment or integrity in relation to the categories of activities for which they have been designated;	
Article 38(2), point (d)				
432	(d) the accredited in-house technical service shall supply its services exclusively to the undertaking of which it forms part.	(d) the accredited in-house technical service shall supply its services exclusively to the undertaking of which it forms part.	(d) the accredited in-house technical service shall supply its services exclusively to the undertaking of which it forms part.	
Article 38(3)				
433	3. An accredited in-house technical service need not be notified to the Commission for the purposes of Article 41, but information concerning its accreditation shall be given by the undertaking of which it forms part or by the national accreditation body to the designating approval authority at the request of that authority.	3. An accredited in-house technical service need not be notified to the Commission for the purposes of Article 41, but information concerning its accreditation shall be given by the undertaking of which it forms part or by the national accreditation body to the designating approval authority at the request of that authority.	3. An accredited in-house technical service need not be notified to the Commission for the purposes of Article 41, but information concerning its accreditation shall be given by the undertaking of which it forms part or by the national accreditation body to the designating approval authority at the request of that authority.	
Article 39				
434	Article 39 Rules for the assessment of technical services and accredited	Article 39 Rules for the assessment of technical services and accredited	Article 39 Rules for the assessment of technical services and accredited	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	in-house technical services	in-house technical services	in-house technical services	
Article 39, first paragraph				
435	The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning the rules with which the technical services have to comply for their assessment in accordance with Article 40 and the accreditation of in-house technical services in accordance with Article 38.	The Commission is empowered to adopt delegated acts in accordance with Article 47 supplementing this Regulation by setting out concerning the rules with which the technical services have to comply for their assessment in accordance with Article 40 and the accreditation of in-house technical services in accordance with Article 38.	The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning the rules with which the technical services have to comply for their assessment in accordance with Article 40 and the accreditation of in-house technical services in accordance with Article 38.	
Article 40				
436	Article 40 Assessment of the skills of the technical services	Article 40 Assessment of the skills of the technical services	Article 40 Assessment of the skills of the technical services	
Article 40(1)				
437	1. The 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	1. The 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	1. The designating approval authority shall draw up an assessment report demonstrating that the candidate technical service and, where relevant, any subsidiary or sub-contractor, has been assessed for its compliance	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	delegated acts adopted pursuant to this Regulation. That report may include a certificate of accreditation issued by an accreditation body.	delegated acts adopted pursuant to this Regulation. That report may include a certificate of accreditation issued by an accreditation body.	with the requirements of this Regulation and the delegated acts adopted pursuant to this Regulation. That report may include a certificate of accreditation issued by an accreditation body.	
Article 40(2)				
438	2. The assessment on which the report referred to in paragraph 1 is based shall be conducted in accordance with the rules laid down in a delegated act referred to in Article 39. The assessment report shall be reviewed at least every three years.	2. The assessment on which the report referred to in paragraph 1 is based shall be conducted in accordance with the rules laid down in a delegated act referred to in Article 39. The assessment report shall be reviewed at least every three years.	2. The assessment on which the report referred to in paragraph 1 is based shall be conducted in accordance with the rules laid down in a delegated act referred to in Article 39. The assessment report shall be reviewed at least every three years.	
Article 40(3)				
439	3. The assessment report shall be communicated to the Commission upon request. In such cases, 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 designating approval authority shall provide the Commission with documentary	3. The assessment report shall be communicated to the Commission upon request. In such cases, 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 designating approval authority shall provide the Commission with documentary	3. The assessment report shall be communicated to the Commission upon request. In such cases, 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 designating approval authority shall provide the Commission with documentary	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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 the delegated acts adopted pursuant to this Regulation.	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 the delegated acts adopted pursuant to this Regulation.	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 the delegated acts adopted pursuant to this Regulation.	
Article 40(4)				
440	4. The approval authority that intends to be designated as a technical service in accordance with Article 37(2) shall document compliance through an assessment conducted by auditors independent of the activity being assessed. Such auditors may be from the same organisation provided that they are managed separately from personnel undertaking the assessed activity.	4. The approval authority that intends to be designated as a technical service in accordance with Article 37(2) shall document compliance through an assessment conducted by auditors independent of the activity being assessed. Such auditors may be from the same organisation provided that they are managed separately from personnel undertaking the assessed activity.	4. The approval authority that intends to be designated as a technical service in accordance with Article 37(2) shall document compliance through an assessment conducted by auditors independent of the activity being assessed. Such auditors may be from the same organisation provided that they are managed separately from personnel undertaking the assessed activity.	
Article 40(5)				
441	5. An accredited in-house 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.	5. An accredited in-house technical service shall comply with the relevant provisions of this Article.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 41				
442	Article 41 Procedures for notification	Article 41 Procedures for notification	Article 41 Procedures for notification	
Article 41(1)				
443	1. Member States shall notify to the Commission the name, the address including electronic address, the responsible persons and the category of activities with respect to each technical service they have designated, as well as any subsequent modifications to those designations. The notification act shall state for which subjects listed in the Annex to this Regulation 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 with respect to each technical service they have designated, as well as any subsequent modifications to those designations. The notification act shall state for which subjects listed in the Annex to this Regulation 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 with respect to each technical service they have designated, as well as any subsequent modifications to those designations. The notification act shall state for which subjects listed in the Annex to this Regulation the technical services have been designated.	
Article 41(2)				
444	2. A technical service may conduct the activities referred to in Article 37(1) on behalf of the designating approval authority responsible for the type-approval only if it has been notified before hand to the Commission in accordance with paragraph 1 of this Article.	2. A technical service may conduct the activities referred to in Article 37(1) on behalf of the designating approval authority responsible for the type-approval only if it has been notified before hand to the Commission in accordance with paragraph 1 of this Article.	2. A technical service may conduct the activities referred to in Article 37(1) on behalf of the designating approval authority responsible for the type-approval only if it has been notified before hand to the Commission in accordance with paragraph 1 of this Article.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 41(3)				
445	3. The technical service referred to in paragraph 2 may be designated 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 37(1).	3. The technical service referred to in paragraph 2 may be designated 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 37(1).	3. The technical service referred to in paragraph 2 may be designated 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 37(1).	
Article 41(4)				
446	4. Member States shall notify the Commission of any subsequent relevant changes to the designation.	4. Member States shall notify the Commission of any subsequent relevant changes to the designation.	4. Member States shall notify the Commission of any subsequent relevant changes to the designation.	
Article 41(5)				
447	5. Where a specific organisation or competent body carrying out an activity not included in those referred to in Article 37(1), needs to be designated in application of the delegated acts adopted pursuant to this Regulation, 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 37(1), needs to be designated in application of the delegated acts adopted pursuant to this Regulation, 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 37(1), needs to be designated in application of the delegated acts adopted pursuant to this Regulation, the notification shall be made in accordance with this Article.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 41(6)				
448	6. The Commission shall publish on its website a list and details of the technical services notified in accordance with this Article.	6. The Commission shall publish on its website a list and details of the technical services notified in accordance with this Article.	6. The Commission shall publish on its website a list and details of the technical services notified in accordance with this Article.	
Article 42				
449	Article 42 Changes to designations	Article 42 Changes to designations	Article 42 Changes to designations	
Article 42(1)				
450	1. Where a designating approval authority has ascertained or has been informed that a technical service designated by it no longer meets the requirements laid down in this Regulation, or that it is failing to fulfil its obligations, the designating approval authority shall restrict, suspend or withdraw the designation as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. The Member State that has notified this technical service shall immediately inform the Commission	1. Where a designating approval authority has ascertained or has been informed that a technical service designated by it no longer meets the requirements laid down in this Regulation, or that it is failing to fulfil its obligations, the designating approval authority shall restrict, suspend or withdraw the designation as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. The Member State that has notified this technical service shall immediately inform the Commission	1. Where a designating approval authority has ascertained or has been informed that a technical service designated by it no longer meets the requirements laid down in this Regulation, or that it is failing to fulfil its obligations, the designating approval authority shall restrict, suspend or withdraw the designation as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. The Member State that has notified this technical service shall immediately inform the Commission	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	accordingly. The Commission shall modify the information published referred to in Article 41(6) accordingly.	accordingly. The Commission shall modify the information published referred to in Article 41(6) accordingly.	accordingly. The Commission shall modify the information published referred to in Article 41(6) accordingly.	
Article 42(2)				
451	2. In the event of restriction, suspension or withdrawal of the designation, or where the technical service has ceased its activity, the designating approval authority 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 designating approval authority or for the market surveillance authorities at their request.	2. In the event of restriction, suspension or withdrawal of the designation, or where the technical service has ceased its activity, the designating approval authority 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 designating approval authority or for the market surveillance authorities at their request.	2. In the event of restriction, suspension or withdrawal of the designation, or where the technical service has ceased its activity, the designating approval authority 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 designating approval authority or for the market surveillance authorities at their request.	
Article 43				
452	Article 43 Challenge to the competence of technical services	Article 43 Challenge to the competence of technical services	Article 43 Challenge to the competence of technical services	
Article 43(1)				
453	1. The Commission shall investigate all cases where it has	1. The Commission shall investigate all cases where it has	1. The Commission shall investigate all cases where it has	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	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.	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.	
Article 43(2)				
454	2. The 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 designation of the technical service concerned.	2. The 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 designation of the technical service concerned.	2. The 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 designation of the technical service concerned.	
Article 43(3)				
455	3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	
Article 43(4), first subparagraph				
456	4. Where the Commission ascertains that a technical service	4. Where the Commission ascertains that a technical service	4. Where the Commission ascertains that a technical service	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	does not meet or no longer meets the requirements for its designation, it shall inform the Member State of the designating approval authority accordingly.	does not meet or no longer meets the requirements for its designation, it shall inform the Member State of the designating approval authority accordingly.	does not meet or no longer meets the requirements for its designation, it shall inform the Member State of the designating approval authority accordingly.	
Article 43(4), second subparagraph				
457	The Commission shall request that Member State to suspend, restrict or withdraw the designation, where necessary.	The Commission shall request that Member State to suspend, restrict or withdraw the designation, where necessary.	The Commission shall request that Member State to suspend, restrict or withdraw the designation, where necessary.	
Article 43(4), third subparagraph				
458	Where a Member State fails to take the necessary corrective measures, the Commission may adopt implementing acts to decide to restrict, suspend or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). The Commission shall notify the Member State concerned of those implementing acts and shall update the information published referred to in Article 41(6) accordingly.	Where a Member State fails to take the necessary corrective measures, the Commission may adopt implementing acts to decide to restrict, suspend or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). The Commission shall notify the Member State concerned of those implementing acts and shall update the information published referred to in Article 41(6) accordingly.	Where a Member State fails to take the necessary corrective measures, the Commission may adopt implementing acts to decide to restrict, suspend or withdraw the designation of the technical service concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2). The Commission shall notify the Member State concerned of those implementing acts and shall update the information published referred to in Article 41(6) accordingly.	
Article 44				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
459	Article 44 Operational obligations of technical services	Article 44 Operational obligations of technical services	Article 44 Operational obligations of technical services	
Article 44(1)				
460	1. Technical services shall carry out 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. .	1. Technical services shall carry out 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. .	1. Technical services shall carry out 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. .	
Article 44(2)				
461	2. Technical services shall supervise or shall themselves carry out the tests required for approval or inspections as set out in this Regulation. The technical services shall not conduct tests, assessments or inspections for which they have not been duly designated by their approval authority.	2. Technical services shall supervise or shall themselves carry out the tests required for approval or inspections as set out in this Regulation. The technical services shall not conduct tests, assessments or inspections for which they have not been duly designated by their approval authority.	2. Technical services shall supervise or shall themselves carry out the tests required for approval or inspections as set out in this Regulation. The technical services shall not conduct tests, assessments or inspections for which they have not been duly designated by their approval authority.	
Article 44(3)				
462	3. Technical services shall at all	3. Technical services shall at all	3. Technical services shall at all	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	times:	times:	times:	
Article 44(3), point (a)				
463	(a) allow their designating approval authority to witness the technical service during the conformity assessment as appropriate; and	(a) allow their designating approval authority to witness the technical service during the conformity assessment as appropriate; and	(a) allow their designating approval authority to witness the technical service during the conformity assessment as appropriate; and	
Article 44(3), point (b)				
464	(b) without prejudice to Article 35(10) and Article 45, provide their designating approval authority such information on their categories of activities falling under the scope of this Regulation as may be requested.	(b) without prejudice to Article 35(10) and Article 45, provide their designating approval authority such information on their categories of activities falling under the scope of this Regulation as may be requested.	(b) without prejudice to Article 35(10) and Article 45, provide their designating approval authority such information on their categories of activities falling under the scope of this Regulation as may be requested.	
Article 44(4)				
465	4. 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 approval authority with a view for the designating approval authority requiring the manufacturer to take appropriate corrective measures and	4. 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 approval authority with a view for the designating approval authority requiring the manufacturer to take appropriate corrective measures and	4. 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 approval authority with a view for the designating approval authority requiring the manufacturer to take appropriate corrective measures and	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	subsequently not to issue a type-approval certificate unless the appropriate corrective measures have been taken to the satisfaction of the approval authority.	subsequently not to issue a type-approval certificate unless the appropriate corrective measures have been taken to the satisfaction of the approval authority.	subsequently not to issue a type-approval certificate unless the appropriate corrective measures have been taken to the satisfaction of the approval authority.	
Article 44(5)				
466	5. 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 non-road mobile machinery no longer is in conformity with this Regulation, it shall report this to the designating approval authority. The approval authority shall take the appropriate measures as provided for in Article 22.	5. 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 non-road mobile machinery no longer is in conformity with this Regulation, it shall report this to the designating approval authority. The approval authority shall take the appropriate measures as provided for in Article 22.	5. 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 non-road mobile machinery no longer is in conformity with this Regulation, it shall report this to the designating approval authority. The approval authority shall take the appropriate measures as provided for in Article 22.	
Article 45				
467	Article 45 Information obligations of technical services	Article 45 Information obligations of technical services	Article 45 Information obligations of technical services	
Article 45(1)				
468				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	1. Technical services shall inform their designating approval authority of the following:	1. Technical services shall inform their designating approval authority of the following:	1. Technical services shall inform their designating approval authority of the following:	
Article 45(1), point (a)				
469	(a) any non-conformity encountered which may require a refusal, restriction, suspension or withdrawal of a type-approval certificate;	(a) any non-conformity encountered which may require a refusal, restriction, suspension or withdrawal of a type-approval certificate;	(a) any non-conformity encountered which may require a refusal, restriction, suspension or withdrawal of a type-approval certificate;	
Article 45(1), point (b)				
470	(b) any circumstances affecting the scope of and conditions for their designation;	(b) any circumstances affecting the scope of and conditions for their designation;	(b) any circumstances affecting the scope of and conditions for their designation;	
Article 45(1), point (c)				
471	(c) any request for information which they have received from market surveillance authorities regarding their activities.	(c) any request for information which they have received from market surveillance authorities regarding their activities.	(c) any request for information which they have received from market surveillance authorities regarding their activities.	
Article 45(2)				
472	2. On request from their designating approval authority, technical services shall provide	2. On request from their designating approval authority, technical services shall provide	2. On request from their designating approval authority, technical services shall provide	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	information on the activities within the scope of their designation and on any other activity performed, including cross-border activities and subcontracting.	information on the activities within the scope of their designation and on any other activity performed, including cross-border activities and subcontracting.	information on the activities within the scope of their designation and on any other activity performed, including cross-border activities and subcontracting.	
CHAPTER XII				
473	CHAPTER XII IMPLEMENTING ACTS AND DELEGATED ACTS	CHAPTER XII IMPLEMENTING ACTS AND DELEGATED ACTS	CHAPTER XII IMPLEMENTING ACTS AND DELEGATED ACTS	
Article 46				
474	Article 46 Committee procedure	Article 46 Committee procedure	Article 46 Committee procedure	
Article 46(1)				
475	1. The Commission shall be assisted by the ‘Technical Committee — Agricultural Vehicles’ (TC-AV), established under Article 69 of Regulation (EU) No 167/2013, which is a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the ‘Technical Committee — Agricultural Vehicles’ ² (TC-AV), established under Article 69 of Regulation (EU) No 167/2013, which is . That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the ‘Technical Committee — Agricultural Vehicles’ (TC-AV), established under Article 69 of Regulation (EU) No 167/2013, which is a committee within the meaning of Regulation (EU) No 182/2011.	
Article 46(2)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
476	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, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 46(3)				
477	3. 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.	3. 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.	3. 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.	
Article 47				
478	Article 47 Exercise of the delegation	Article 47 Exercise of the delegation	Article 47 Exercise of the delegation	
Article 47(1)				
479	1. The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 47(2)				
480	2. The power to adopt delegated	2. The power to adopt delegated	2. The power to adopt delegated	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	acts referred to in Article 4 (5), Article 15(2), Article 21(9), Article 22(6) and Article 39 shall be conferred on the Commission for a period of five years from [OP: - please insert the date of entry into force.]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of that five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	acts referred to in Article 4 (5), Article 15(2), Article 21(9), Article 22(6) and Article 39 shall be conferred on the Commission for a period of five years from [OP: - please insert the date of entry into force of this Regulation the date of entry into force.]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of that five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	acts referred to in Article 4 (5), Article 15(2), Article 21(9), Article 22(6) and Article 39 shall be conferred on the Commission for a period of five years from [OP: - please insert the date of entry into force.]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of that five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
Article 47(3)				
481	3. The delegation of power referred to in Article 4(5), Article 15(2), Article 21(9), Article 22(6) and Article 39 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	3. The delegation of power referred to in Article 4(5), Article 15(2), Article 21(9), Article 22(6) and Article 39 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	3. The delegation of power referred to in Article 4(5), Article 15(2), Article 21(9), Article 22(6) and Article 39 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	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	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.	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.	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.	
Article 47(3a)				
481a		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		
Article 47(4)				
482	4. As soon as it adopts a delegated act, including a revising or amending or repealing delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	45. As soon as it adopts a delegated act, including a revising or amending or repealing delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, including a revising or amending or repealing delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 47(5)				
483	5. A delegated act adopted pursuant to Article 4 (5), Article 15(2), Article 21(9), Article 22(6)	56. A Delegated act acts adopted pursuant to Article 4 (5), Article 15(2), Article 21(9), Article 22(6)	5. A delegated act adopted pursuant to Article 4 (5), Article 15(2), Article 21(9), Article 22(6)	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	and Article 39 shall enter into force only if 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.	and or Article 39 shall enter into force only if no objection has been expressed either by the European Parliament or by 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.	and Article 39 shall enter into force only if 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.	
Article 47(5a)				
483a			5a. The Commission shall adopt the delegated acts referred to in Article 4(5), Article 15(2), Article 21(9), Article 22(6) and Article 39 before ... [24 months from the date of entry into force of this Regulation].	
CHAPTER XIII				
484	CHAPTER XIII FINAL PROVISIONS	CHAPTER XIII FINAL PROVISIONS	CHAPTER XIII FINAL PROVISIONS	
Article 48				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
485	Article 48 Amendment to Regulation (EU) 2019/1020	Article 48 Amendment to Regulation (EU) 2019/1020	Article 48 Amendment to Regulation (EU) 2019/1020	
Article 48, first paragraph				
486	In Annex I to Regulation (EU) 2019/1020 the following point is added:	In Annex I to Regulation (EU) 2019/1020 the following point is added:	In Annex I to Regulation (EU) 2019/1020 the following point is added:	
Article 48, first paragraph, amending provision, numbered paragraph (71)				
487	, 71. [Regulation XXX] ‘on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020. ,	, 71. [Regulation XXX] ‘on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020’. ,	, 71. [Regulation XXX] ‘on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020. ,	
Article 49				
488	Article 49 Forum	Article 49 Forum for Exchange of Information on Enforcement	Article 49 Forum	
Article 49(1), first subparagraph				
489				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	1. The Commission shall establish, chair and manage a Forum for Exchange of Information on Enforcement ('the Forum').	<i>deleted</i>	1. The Commission shall establish, chair and manage a Forum for Exchange of Information on Enforcement ('the Forum').	
Article 49(1), second subparagraph				
490	The Forum shall be composed of representatives appointed by each Member State representing their approval authorities and market surveillance authorities.	<i>deleted</i>	The Forum shall be composed of representatives appointed by each Member State representing their approval authorities and market surveillance authorities.	
Article 49(1), third subparagraph				
491	Whenever appropriate, technical services, representatives of the European Parliament, of the industry and of the relevant economic operators, as well as of stakeholders involved in safety matters, may be invited as observers to the Forum in accordance with the rules of procedures referred to in paragraph 6.	<i>deleted</i>	Whenever appropriate relevant , technical services, representatives of the European Parliament, of the industry and of the relevant economic operators, as well as of stakeholders involved in safety matters related to road circulation, shall , may be invited as observers to the Forum in accordance with the rules of procedures referred to in paragraph 6.	
Article 49(2), first subparagraph				
492	2. The advisory tasks of the Forum		2. The advisory tasks of the Forum	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	shall have as their objective the promotion of best practices, in order to facilitate the uniform interpretation and implementation of this Regulation.	<i>deleted</i>	shall have as their objective the promotion of best practices, in order to facilitate the uniform interpretation and implementation of this Regulation.	
Article 49(2), second subparagraph				
493	The Forum shall consider:	1. The Forum for Exchange of Information on Enforcement ('the Forum') established by the Commission in accordance with Article 11 of Regulation (EU) 2018/858 shall consider:	The Forum shall consider:	
Article 49(2), second subparagraph, point (a)				
494	(a) matters related to the uniform interpretation of the requirements laid down in this Regulation;	(a) matters related to the uniform interpretation of the requirements laid down in this Regulation;	(a) matters related to the uniform interpretation of the requirements laid down in this Regulation;	
Article 49(2), second subparagraph, point (b)				
495	(b) the results of the activities relating to type-approval and market surveillance;	(b) the results of the activities relating to type-approval and market surveillance;	(b) the results of the activities relating to type-approval and market surveillance;	
Article 49(2), second subparagraph, point (c)				
496	(c) matters of general relevance	(c) matters of general relevance	(c) matters of general relevance	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	with regard to the implementation of the requirements laid down in this Regulation in relation to the assessment, designation and monitoring of technical services;	with regard to the implementation of the requirements laid down in this Regulation in relation to the assessment, designation and monitoring of technical services;	with regard to the implementation of the requirements laid down in this Regulation in relation to the assessment, designation and monitoring of technical services;	
Article 49(2), second subparagraph, point (d)				
497	(d) infringements by economic operators;	(d) infringements by economic operators;	(d) infringements by economic operators;	
Article 49(2), second subparagraph, point (e)				
498	(e) implementation of the corrective or restrictive measures laid down in Chapter IX;	(e) implementation of the corrective or restrictive measures laid down in Chapter IX;	(e) implementation of the corrective or restrictive measures laid down in Chapter IX;	
Article 49(2), second subparagraph, point (f)				
499	(f) the planning, coordination and results of market surveillance activities.	(f) the planning, coordination and results of market surveillance activities.	(f) the planning, coordination and results of market surveillance activities.	
Article 49(3)				
500	3. As part of its advisory task and taking into account the outcome of the considerations under paragraph 2, the Forum may express an opinion or issue a	<i>deleted</i>	3. As part of its advisory task and taking into account the outcome of the considerations under paragraph 2, the Forum may express an opinion or issue a	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	recommendation.		recommendation.	
Article 49(4)				
501	4. When expressing an opinion or issuing recommendations the Forum shall endeavour to reach a consensus. If no such consensus can be reached, the Forum shall express its opinion or issue its recommendations by a simple majority of the Member States. Each Member State shall have one vote. Member States with diverging positions may request that their positions and the grounds on which they are based be recorded in the Forum's opinion or recommendations.	<i>deleted</i>	4. When expressing an opinion or issuing recommendations the Forum shall endeavour to reach a consensus. If no such consensus can be reached, the Forum shall express its opinion or issue its recommendations by a simple majority of the Member States. Each Member State shall have one vote. Member States with diverging positions may request that their positions and the grounds on which they are based be recorded in the Forum's opinion or recommendations.	
Article 49(5)				
502	5. When adopting implementing acts, the Commission shall duly take into account the opinions expressed by the Forum in accordance with paragraph 2.	<i>deleted</i>	5. When adopting implementing acts, the Commission shall duly take into account the opinions expressed by the Forum in accordance with paragraph 2.	
Article 49(6)				
503	6. The Forum shall establish its	6. The Forum shall establish its	6. The Forum shall establish its	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	rules of procedure	rules of procedure Article 11(1), (4), (5), (6) and (7) of Regulation (EU) 2018/858 shall apply mutatis mutandis.	rules of procedure	
Article 49(7)				
504	7. For the purposes of this Regulation:	7. For the purposes of this Regulation:	7. For the purposes of this Regulation:	
Article 49(7), point (a)				
505	(a) Articles 30(2) and 32 of Regulation (EU) 2019/1020 shall not apply;	(a) Articles 30(2) and 32 of Regulation (EU) 2019/1020 shall not apply;	(a) Articles 30(2) and 32 of Regulation (EU) 2019/1020 shall not apply;	
Article 49(7), point (b)				
506	(b) references to ‘ADCO’, in Articles 11(8), 30(1) and (3), 31(2) and 33 of Regulation (EU) 2019/1020, shall be read as references to the Forum.	(b) references to ‘ADCO’, in Articles 11(8), 30(1) and (3), 31(2) and 33 of Regulation (EU) 2019/1020, shall be read as references to the Forum.	(b) references to ‘ADCO’, in Articles 11(8), 30(1) and (3), 31(2) and 33 of Regulation (EU) 2019/1020, shall be read as references to the Forum.	
Article 50				
507	Article 50 Penalties	Article 50 Penalties	Article 50 Penalties	
Article 50(1)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
508	1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and 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, by [OP: please insert the date – the exact day that precedes the date of applicability of this regulation.], notify those provisions to the Commission and shall notify it, without delay, of any subsequent amendment affecting them.	1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and 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, by <i>[OP: please insert the date – the exact day that precedes the date of applicability of this regulation.],</i> [OP: please insert the date – the exact day that precedes the date of applicability of this regulation.], notify those provisions to the Commission and shall notify it, without delay, of any subsequent amendment affecting them.	1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and 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, by [OP: please insert the date – the exact day that precedes the date of applicability of this regulation.], notify those provisions to the Commission and shall notify it, without delay, of any subsequent amendment affecting them.	
Article 50(2)				
509	2. The types of infringements which are subject to penalties shall include:	2. The types of infringements which are subject to penalties shall include, at least :	2. The types of infringements which are subject to penalties shall include:	
Article 50(2), point (a)				
510	(a) making false declarations during approval procedures or procedures leading to a recall;	(a) making false declarations during approval procedures or procedures leading to a recall while	(a) making false declarations during approval procedures or procedures leading to a recall;	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		corrective or restrictive measures are imposed in accordance with Chapter IX;		
Article 50(2), point (b)				
511	(b) falsifying test results for type-approval or in-service conformity;	(b) falsifying test results for type-approval or , for in-service conformity or for market surveillance;	(b) falsifying test results for type-approval or in-service conformity;	
Article 50(2), point (c)				
512	(c) withholding data or technical specifications which could lead to recall, refusal or withdrawal of type-approval;	(c) withholding data or technical specifications which could lead to recall, refusal or withdrawal of the EU type-approval certificate;	(c) withholding data or technical specifications which could lead to recall, refusal or withdrawal of type-approval;	
Article 50(2), point (d)				
513	(d) refusal to provide access to information;	(d) refusal to provide access to information;	(d) refusal to provide access to information;	
Article 50(2), point (e)				
514	(e) economic operators making available on the market or entering into service non-road mobile machinery subject to approval without such approval or falsifying	(e) economic operators making available on the market or entering into service non-road mobile machinery subject to approval without such approval or falsifying	(e) economic operators making available on the market or entering into service non-road mobile machinery subject to approval without such approval or falsifying	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	documents or markings with that intention;	documents or markings with that intention;	documents or markings with that intention;	
Article 50(2), point (f)				
515	(f) economic operators not fulfilling their obligations;	<i>deleted</i>	(f) economic operators not fulfilling their obligations;	
Article 50(2), point (g)				
516	(g) non-compliance by technical services in respect of the requirements for their designation.	(g) non-compliance by technical services in respect of the requirements for their designation.	(g) non-compliance by technical services in respect of the requirements for their designation.	
Article 51				
517	Article 51 Review	Article 51 Review	Article 51 Review	
Article 51(1)				
518	1. By [OP: please insert the date – 60 months from the date of application of this regulation.], the Commission shall present a report to the European Parliament and to the Council on the implementation of this Regulation, accompanied, where appropriate, by relevant legislative proposals.	1. By ... [OP: please insert the date – 60 months from the date of application of this regulation.] 96 months from the date of entry into force of this Regulation. of this regulation.], the Commission shall present a report to the European Parliament and to the Council on the implementation of this Regulation, accompanied,	1. By [OP: please insert the date – 60 months from the date of application of this regulation.], the Commission shall present a report to the European Parliament and to the Council on the implementation of this Regulation, accompanied, where appropriate, by relevant legislative proposals.	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		where appropriate, – by relevant legislative proposals.		
Article 51(2)				
519	2. The report shall be based on a consultation of relevant stakeholders, shall take into account any related European or international standards and the information referred to in paragraph 3.	2. The report shall be based on a consultation of relevant stakeholders, shall take into account any related European or international standards and the information referred to in paragraph 3.	2. The report shall be based on a consultation of relevant stakeholders, shall take into account any related European or international standards and the information referred to in paragraph 3.	
Article 51(3)				
520	3. By [OP: please insert the date – 48 months from the date of application of this regulation.], Member States shall inform the Commission on the following:	3. By ... [OP: please insert 84 months from the date – 48 months from the date of application of entry into force of this Regulation.], Member States shall inform the Commission on the following:	3. By [OP: please insert the date – 48 months from the date of application of this regulation.], Member States shall inform the Commission on the following:	
Article 51(3), point (a)				
521	(a) the application of the type-approval and market surveillance procedures laid down in this Regulation.	(a) the application of the type-approval and market surveillance procedures laid down in this Regulation.;	(a) the application of the type-approval and market surveillance procedures laid down in this Regulation.	
Article 51(3), point (b)				

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522	(b) the number of EU type-approvals granted pursuant to this Regulation since [OP: please insert the date – date of application of this regulation.];	(b) the number of EU type-approvals granted pursuant to this Regulation since [OP: please insert the date – date of application of this regulation.]; and EU individual approvals granted pursuant to this Regulation.];	(b) the number of EU type-approvals granted pursuant to this Regulation since [OP: please insert the date – date of application of this regulation.];	
Article 51(3), point (c)				
523	(c) the national requirements for national small series type-approval, national individual approval and national type approval, and the number of such approvals granted since [OP: please insert the date – date of application of this regulation.].	(c) the national requirements for national small series type-approval, national individual approval and national type approval, and the number of such approvals granted since [OP: please insert the date – date of application of this regulation.]. of entry into force of this Regulation.].	(c) the national requirements for national small series type-approval, national individual approval and national type approval, and the number of such approvals granted since [OP: please insert the date – date of application of this regulation.].	
Article 52				
524	Article 52 Transitional provisions	Article 52 Transitional provisions	Article 52 Transitional provisions	
Article 52, first paragraph				
525	By way of derogation from this Regulation, until ...[please insert date: 8 years from the date of application], Member States may	By way of derogation from this Regulation, until ... 11 years from the date of entry into force of this	By way of derogation from this Regulation, until ...[please insert date: 8 years from the date of application], Member States may	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	apply any national legislation on national type-approval of non-road mobile machinery for circulating on public roads on non-road mobile machinery that is placed on the market between [Please insert date of application] and ...[please insert date: 8 years from the date of application]. During that period, the manufacturer may choose either to apply for EU type-approval or to comply with relevant national legislation.	Regulation years from the date of application, – Member States may apply any national legislation on national type-approval of non-road mobile machinery for circulating on public roads <i>on non-road mobile machinery that is placed on the market between [Please insert date of application] and ...[11</i>on non-road mobile machinery that is placed on the market between [Please insert date of application] and ...[please insert date: 8 years from the date of entry into force of this Regulation/. application]. During that period, the manufacturer may choose either to apply for EU type-approval, apply for EU individual approval or to comply with relevant national legislation.	apply any national legislation on national type-approval of non-road mobile machinery for circulating on public roads on non-road mobile machinery that is placed on the market between [Please insert date of application] and ...[please insert date: 8 years from the date of application]. During that period, the manufacturer may choose either to apply for EU type-approval or to comply with relevant national legislation.	
Article 53				
526	Article 53 Entry into force and application	Article 53 Entry into force and application	Article 53 Entry into force and application	
Article 53, first paragraph				
527	This Regulation shall enter into force on the twentieth day	This Regulation shall enter into force on the twentieth day	This Regulation shall enter into force on the twentieth day	

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	following that of its publication in the Official Journal of the European Union.	following that of its publication in the Official Journal of the European Union.	following that of its publication in the Official Journal of the European Union.	
Article 53, first paragraph a				
527a		From [date of entry into force], national authorities may grant EU type-approval for a new type of non-road mobile machinery or EU individual approval for a new non-road mobile machinery and shall not, without prejudice to article 4(5) and Chapter IX, prohibit registration, placing on the market or entry into service of a new non-road mobile machinery where the non-road mobile machinery concerned complies with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.		
Article 53, second paragraph				
528	It shall apply from [OP: please insert the date – 36 months from the date of entry into force of this regulation.]	It shall apply from [OP: please insert the date – ...] [36 months from the date of entry into force of this Regulation.]	It shall apply from [OP: please insert the date – 36 months from the date of entry into force of this regulation.]	

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 53, second paragraph a				
528a			From [date of entry into force], national authorities shall not refuse to grant EU type-approval for new non-road mobile machinery, or prohibit the placing on the market, registration, or entry into service of new non-road mobile machinery when it is in compliance with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.	
Article 53, third paragraph				
529	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
530	Done at Brussels,	Done at Brussels... ,	Done at Brussels,	
Formula				
531	For the European Parliament	For the European Parliament	For the European Parliament	

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Formula				
532		For the Council	For the Council	