EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	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

REGULATION (EU) 2024/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

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)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee[1],

Acting in accordance with the ordinary legislative procedure[2],

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1 OJ C 293, 18.8.2023, p. 142.

2 Position of the European Parliament of 24 April 2024 (not yet published in the Official Journal) and decision of the Council of …

Whereas:

(1) Self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC of the European Parliament and of the Council[3], that is designed or constructed with the purpose to perform work ('non-road mobile machinery'), might need, whether occasionally or regularly, to circulate on public roads, mostly to move from one working place to another.

(2) This Regulation covers only self-propelled machinery. Towed machinery equipment is not covered by this Regulation because such equipment is normally towed by motor vehicles falling within the scope of Regulation (EU) 2018/858 of the European Parliament and of the Council[4]. Such equipment should be covered by Regulation (EU) 2018/858, which regulates the type-approval of motor vehicles including their trailers. The Commission should address the need to establish, under Regulation (EU) 2018/858, detailed technical requirements relating to the road safety of the specific category of towed machinery equipment, insofar as such equipment is not subject to such requirements under the existing rules.

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3 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).

4 Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

(3) Certain aspects of the design and construction of non-road mobile machinery are already covered by Union harmonisation legislation, in particular by Regulation (EU) 2016/1628 of the European Parliament and of the Council[5], Directive 2000/14/EC of the European Parliament and of the Council[6], Directive 2006/42/EC, and Directives 2014/30/EU[7] and 2014/53/EU[8] of the European Parliament and of the Council.

(4) As regards the safety of mobile machinery, Directive 2006/42/EC is the main regulatory act applying to that machinery when placed on the market. It sets out essential health and safety requirements covering the off-road travelling functions of mobile machinery such as slowing down, stopping, braking, driving positions, and restraint systems. However, the essential health and safety requirements set out in that Directive are only designed to address safety when the machinery is at work, and do not cover the safety aspects of that machinery when circulating on public roads.

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5 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, p. 53).

6 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 (OJ L 162, 3.7.2000, p. 1).

7 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).

8 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).

(5) 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 market, non-road mobile machinery face significant costs associated with differing regulatory requirements across the Members States. In addition, the road safety of that machinery is not ensured uniformly in the whole territory of the Union. Therefore, it is necessary to establish harmonised rules at Union level with respect to the road safety of non-road mobile machinery.

(6) For the purposes of the development and operation of the internal market, it is appropriate to establish a harmonised type-approval system and an individual approval system for the road safety of non-road mobile machinery intended to circulate on public roads.

(7) The objective of this Regulation is to address the risks associated with the intended circulation of non-road mobile machinery on public roads. Thus, non-road mobile machinery that, in practice, is not intended to circulate on public roads should be excluded from the scope of this Regulation.

(8) 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 insofar as it carries materials that contribute to its operation, this Regulation should not apply to machinery the only objective of which is the transport of persons, animals or goods. All types of new personal mobility devices, such as 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, are therefore not subject to this Regulation.

(9) Since the purpose of this Regulation is 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, is also excluded from the scope of this Regulation. Any space should be considered as a seating position if it is designed for use when the non-road mobile machinery is circulating on public roads and can be reasonably used as such and it allows a fifth percentile adult female to be seated.

(10) This Regulation should cover only non-road mobile machinery intended to circulate on public roads and that is placed on the market from the date of application of this Regulation and is either new non-road mobile machinery produced by a manufacturer established in the Union or non-road mobile machinery, whether new or second-hand, imported from a third country.

(11) This Regulation should apply to non-road mobile machinery intended to circulate on public roads irrespective of its propulsion system 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 in Regulation (EU) 2023/1230 of the European Parliament and of the Council[9].

(12) Slow non-road mobile machinery represents the majority of the non-road mobile machinery market. In addition, some Member States have established a road circulation speed limit for non-road mobile machinery of 40 km/h. Moreover, as road safety risks are proportional to 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 either fast non-road mobile machinery or non-road mobile machinery not exceeding 6 km/h. This Regulation should therefore not apply to mobile machinery with a maximum design speed not exceeding 6 km/h or exceeding 40 km/h.

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[9] Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC (OJ L 165, 29.6.2023, p. 1).

(13) In some specific well defined cases, manufacturers should have a choice to use national schemes, EU type-approval or EU individual approval. Given the particularities of prototypes of non-road mobile machinery intended to be used on the road under the responsibility of the manufacturer to carry out specific development test programmes or field tests, non-road mobile machinery designed and constructed or adapted for use by civil protection, fire services and forces responsible for maintaining public order and non-road mobile machinery used primarily in quarries or at airports, it is appropriate to allow manufacturers' flexibility regarding the approval scheme they apply for.

(14) This can also be the case for small and medium sized enterprises producing non-road mobile machinery in numbers of units that are made available on the market, registered or entered into service not exceeding, per year and in each Member State, 70 units per type.

(15) Though Member States will be able to establish national schemes for the non-road mobile machinery described in recitals 13 and 14, Member States that have not established such a scheme should require manufacturers, for that non-road mobile machinery, to comply with this Regulation. In addition, the Member States that have established such a scheme should allow manufacturers to choose to comply with this Regulation in order to benefit from free movement.

(16) Given that, in certain instances, non-road mobile machinery, due to its excessive dimensions, would not allow for sufficient manoeuvrability on public roads or could, due to its excessive mass, axle loads or ground contact pressure, damage the surface of public roads or other road infrastructure, or due to its fully automated driving systems for on-road use, it is appropriate to provide a discretion to Member States to prohibit the circulation on public roads or registration of such machinery, even if it has been type-approved in accordance with this Regulation. In order to ensure a high level of harmonisation for non-road mobile machinery across the Union, it is important that Member States only prohibit the circulation on public roads of a limited number of machines. Therefore, both the Member States and the Commission should set sufficiently high threshold values to allow as many type-approved machines as possible to circulate on public roads in the territory of the Union.

(17) In order to minimise the risk of injury to persons and of damage to road infrastructure while non-road mobile machinery is circulating on public roads, technical requirements should be set out. The technical 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 synergies between the machinery function and the on-road use function of the non-road mobile machinery. In order to keep those technical requirements sufficiently future-proof, the Commission can lay down rules for additional requirements due to technical and scientific progress, such as driver assistance systems and automated and remotely operated driving systems.

(18) In order to reduce the 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-approved in accordance with Regulation (EU) No 167/2013 of the European Parliament and of the Council[10] or with Regulation (EU) 2018/858.

(19) 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 therefore 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.

(20) With a view to 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 competent authority or by an appropriately qualified technical service designated for that purpose. The sampling rate for such checks should be proportionate to the production volumes concerned. Member States should ensure that their approval authorities and market surveillance authorities have the necessary resources, such as sufficient budgetary, human and material resources, including a sufficient number of competent personnel, as well as sufficient expertise, procedures and other arrangements in place to exercise the powers that are conferred on them under Article 14 of Regulation (EU) 2019/1020 of the European Parliament and of the Council[11].

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[10] Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

[11] 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).

(21) In order to ensure legal certainty, it is necessary to clarify that rules on market surveillance and control of products entering the market provided for in Regulation (EU) 2019/1020 apply to non-road mobile machinery covered by this Regulation and, in relation to the aspects addressed or covered by the technical requirements laid down in this Regulation, amend Annex I to that Regulation in order to list, in that Annex, the references for this Regulation.

(22) For non-road mobile machinery, there should be an economic operator established in the Union to whom market surveillance authorities can address requests, 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 that purpose. The manufacturer should ensure that a mandated authorised representative is appointed at all times during the period the manufacturer holds an EU type-approval or an EU individual approval in accordance with this Regulation.

(23) 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 Council[12].

[12] 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, 28.2.2011, p. 13).

(24) 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 health and safety within the internal market. It also leads to more efficient use of scarce resources at national level. For this purpose, an advisory forum for exchange of information on enforcement 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 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.

(25) 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 methodology for the determination of the threshold values that may be applied in relation to the excessive dimensions and mass, axle loads or ground contact pressure of non-road mobile machinery; the applicability of the elements of the technical requirements; the laying down of detailed technical requirements, test procedures and test methods; virtual testing; and the arrangements with regard to conformity of production and for specifying rules in relation to technical services. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[13]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at 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.

(26) Member States should lay down rules on penalties applicable to infringements of this Regulation and should take all measures necessary to ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

[13] OJ L 123, 12.5.2016, p. 1.

(27) 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 or extend the transitional period for the national type-approval.

(28) 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 its entry into force should be set. It is also necessary to provide for a transitional period allowing manufacturers, during that period, to comply with this Regulation and benefit from free movement or to comply with the relevant national type-approval legislation.

(29) With a view to facilitating the implementation of the harmonised provisions of this Regulation after its entry into force, Member States should refrain, during the transitional period, from adopting new national technical regulations for the approval of non-road mobile machinery circulating on public roads that are not aligned with those established in this Regulation. The transitional period should apply only for those Member States that have in place, during that period, any existing or new national technical regulations for the approval of non-road mobile machinery circulating on public roads.

(30) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights 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.

(31) Since the objective of this Regulation, namely laying down harmonised technical requirements, administrative requirements and procedures for the EU type-approval and the EU individual approval of new non-road mobile machinery intended to circulate 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 Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

Chapter I
Subject matter, scope and definitions

Article 1

Subject matter

1. This Regulation lays down technical requirements, administrative requirements and procedures for EU type-approval, EU individual approval, and placing on the market of all new non-road mobile machinery intended to circulate on public roads.

2. This Regulation also lays down rules and procedures for the market surveillance of non-road mobile machinery.

Article 2

Scope

1. This Regulation applies to non-road mobile machinery (‘U-category vehicles’) where it is placed on the market and intended to circulate, whether occasionally or regularly, with or without a driver, on a public road.

2. This Regulation does not apply to the following:

   (a) non-road mobile machinery with a maximum design speed exceeding 40 km/h;

   (b) non-road mobile machinery with a maximum design speed not exceeding 6 km/h;

(c) non-road mobile machinery equipped with more than three seating positions, including the driver's seating position;

(d) machinery, as defined in Article 2, point (a), of Directive 2006/42/EC, primarily intended for the transport of one or more persons, animals or goods other than instruments or auxiliaries required for the performance of work, materials resulting from or necessary for work or for intermediate storage, or materials transported on construction sites;

(e) 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, (EU) No 168/2013 or (EU) 2018/858;

(f) non-road mobile machinery that was placed on the market, registered or entered into service before … [3 years from the date of entry into force of this Regulation].

3. For the following non-road mobile machinery, the manufacturer may decide to apply for the EU type-approval, to apply for the EU individual approval or to comply with the relevant national law, where appropriate:

(a) non-road mobile machinery where the number of units per type does not exceed 70 per year and in each Member State;

(b) prototypes of non-road mobile machinery intended to be used on the road under the responsibility of the manufacturer to carry out specific development test programmes or field tests, if they have been specifically designed and constructed for that purpose;

(c) non-road mobile machinery designed and constructed for use principally in quarries, ports or airport facilities;

(d) vehicles designed and constructed or adapted for use by civil protection, fire services and forces responsible for maintaining public order.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) ‘non-road mobile machinery’ means self-propelled mobile machinery with a propulsion system, falling within the scope of Directive 2006/42/EC, that is designed and constructed for the purpose of performing work;

(2) ‘new non-road mobile machinery’ means non-road mobile machinery which has never been placed on the market in the Union;

(3) ‘system’ means an assembly of devices combined to perform one or more specific functions in non-road mobile machinery and that is subject to the technical requirements;

(4) ‘fully automated driving system’ means a driving system of non-road mobile machinery that has been designed and constructed to move autonomously without any driver supervision;

(5) ‘component’ means a device that is intended to be part of non-road mobile machinery that can be type-approved independently of that machinery;

(6) ‘separate technical unit’ means a device that is intended to be part of non-road mobile machinery that can be type-approved separately;

(7) ‘EU type-approval’ means the certification from an approval authority that a type of non-road mobile machinery satisfies the relevant provisions of this Regulation;

(8) ‘EU individual approval’ means the certification from an approval authority that particular non-road mobile machinery, whether unique or not, satisfies the relevant provisions of this Regulation;

(9) ‘market surveillance authority’ means the authority of a Member State responsible for carrying out market surveillance in the territory of that Member State;

(10) ‘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 of 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;

(11) ‘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;

(12) ‘technical service’ means an independent organisation or body designated by an 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 inspections, on behalf of the approval authority, although it is possible for the approval authority itself to carry out those functions;

(13) ‘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 that person’s name or trade mark;

(14) ‘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 9;

(15) ‘manufacturer's representative for EU type-approval’ means any natural or legal person established in the Union who is duly appointed by the manufacturer, on the basis of an agreement, to carry out all of the manufacturer’s obligations related to the EU type-approval and the relevant procedures, including the tasks specified in Articles 18, 19 and 22; this agreement must be presented at the request of the approval authority;

(16) ‘importer’ means a natural or legal person established in the Union who places on the market non-road mobile machinery that has been manufactured in a third country;

(17) ‘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 non-road mobile machinery;

(18) ‘economic operator’ means the manufacturer, the manufacturer’s representative for market surveillance, the importer or the distributor;

(19) ‘placing on the market’ means making available non-road mobile machinery for the first time in the Union;

(20) ‘making available on the market’ means any supply of 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;

(21) ‘entry into service’ means the first use, for its intended purpose, in the Union, of non-road mobile machinery;

(22) ‘registration’ means the administrative authorisation for the entry into service, in the Union, for circulation on public roads of non-road mobile machinery, involving the identification of the latter and the issuance of a permanent or temporary serial number to be known as the registration number;

(23) ‘EU type-approval certificate’ means the document issued by the approval authority which certifies that a type of non-road mobile machinery is type-approved in accordance with this Regulation;

(24) ‘EU individual approval certificate’ means the document issued by the approval authority which certifies that particular non-road mobile machinery is individually approved in accordance with this Regulation;

(25) ‘certificate of conformity’ means the document issued by the manufacturer, as provided for in this Regulation, which certifies that produced non-road mobile machinery conforms to the approved type of non-road mobile machinery;

(26) ‘non-road mobile machinery type’ means a particular non-road mobile machinery group, including variants and versions of variants of that machinery, that shares at least the following essential aspects:

(a) manufacturer,

(b) type designation given by the manufacturer,

(c) essential design and construction characteristics,

(d) backbone chassis, chassis with side members or articulated chassis (obvious and fundamental differences);

(27) ‘variant’ means non-road mobile machinery of the same type which does not differ in at least the following aspects, where applicable:

(a) body structural concept or type of body work,

(b) stage of completion,

(c) propulsion system (internal combustion engine, hybrid, electric, hybrid-electric or other),

(d) operating principle,

(e) powered axles (number, position, interconnection),

(f) transmission (type),

(g) protective structures,

(h) braked axles (number);

(28) ‘version of a variant’ means vehicles which consist of a combination of characteristics shown in the information package;

(29) ‘technical requirements’ means the technical requirements listed in Article 16;

(30) ‘information package’ means the information package referred to in Article 20(4);

(31) ‘holder of EU type-approval’ means the natural or legal person who applied for EU type-approval and to whom an EU type-approval certificate has been issued;

(32) ‘non-road mobile machinery presenting a serious risk’ means non-road mobile machinery that, based on an appropriate risk assessment that takes into account the nature of the hazard and the likelihood of its occurrence, presents a serious risk in relation to its safe circulation on public roads and other aspects covered by this Regulation;

(33) ‘recall’ means any measure aiming to achieve the return of non-road mobile machinery that has already been made available to a user;

(34) ‘virtual testing method’ means computer simulations, including calculations, to demonstrate that non-road mobile machinery fulfils the technical requirements without requiring the use of a physical vehicle, system, component or separate technical unit;

(35) ‘seating position’ means any location on non-road mobile machinery capable of accommodating one person seated.

Article 4

Vehicle category of non-road mobile machinery

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’.

Chapter II
Obligations

Article 5

Obligations of Member States

1. Member States shall establish or appoint the authorities competent in matters concerning approval and market surveillance in accordance with this Regulation. Member States shall notify the Commission of the establishment and appointment of such authorities.

2. Member States shall ensure that their approval authorities and market surveillance authorities have the necessary resources for the proper performance of their duties.

3. The notification of the approval authorities and market surveillance authorities shall include their name, address, electronic address and areas of responsibility. The Commission shall publish on its website a list and details of the approval authorities and market surveillance authorities.

4. Member States shall only permit 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.

5. 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.

6. By way of derogation from paragraph 5, Member States may limit or prohibit the circulation on public roads or the registration of non-road mobile machinery that has been approved in accordance with this Regulation which satisfies any of the following criteria:

(a) due to its excessive dimensions, the machinery would not allow for sufficient manoeuvrability on public roads;

(b) due to its excessive mass, axle loads or ground contact pressure, the machinery could damage the surface of public roads or other road infrastructure;

(c) due to its fully automated, or remotely operated, driving system for on-road use, the machinery is subject to restrictions under national traffic law.

The Commission is empowered to adopt delegated acts in accordance with Article 50 to supplement this Regulation by establishing the methodology for the determination of the threshold values, to be established by means of the implementing acts referred to in the third subparagraph of this paragraph, as regards non-road mobile machinery's maximum road laden mass on road, axle loads or ground contact pressure beyond which that non-road mobile machinery's dimensions, weight and mass are considered to be excessive within the meaning of points (a) and (b) of the first subparagraph of this paragraph.

The Commission shall adopt implementing acts setting out those threshold values in accordance with that methodology. Those threshold values may differ in respect of the different groups of non-road mobile machinery concerned.

7. 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.

8. Member States shall take the necessary measures to ensure that market surveillance authorities are entitled, in accordance with national law, to exercise the powers conferred on them under Article 14 of Regulation (EU) 2019/1020.

Article 6

Obligations of approval authorities

1. Approval authorities shall ensure that manufacturers applying for EU type-approval comply with their obligations under this Regulation.

2. Approval authorities shall approve only non-road mobile machinery that satisfies the requirements laid down in this Regulation.

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.

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 without undue delay.

5. Where an approval authority has been informed in accordance with Chapter X that non-road mobile machinery is suspected of presenting a serious 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 7

General obligations of manufacturers

1. Manufacturers shall ensure that the non-road mobile machinery they place on the market either belongs to a type that has been granted an EU type-approval and is designed and manufactured in accordance with that type or has been granted an EU individual approval.

2. Manufacturers shall ensure that the EU type-approved non-road mobile machinery they place on the market bears the statutory plate with marking required by this Regulation and is accompanied by its certificate of conformity.

Manufacturers shall also ensure for the EU type-approved and the EU individually approved non-road mobile machinery they place on the market that the documents, information and instructions for the user have been drawn up as required by this Regulation.

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 18 or an additional representative. The manufacturer's representative for market surveillance shall perform the tasks specified in the mandate provided for in Article 9.

4. Manufacturers shall indicate their names, registered trade names or registered trade marks, and the postal and email addresses at which they can be contacted on the non-road mobile machinery that they place on the market or, where that is not possible, in a document accompanying that machinery. The address indicated by a manufacturer shall indicate a single point at which that manufacturer can be contacted. Contact details shall be in a language easily understood by users and market surveillance authorities.

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 non-road mobile machinery.

6. Manufacturers shall ensure that procedures are in place in order for series production to remain in conformity with the approved type. Changes in the design or characteristics of 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.

7. Manufacturers shall ensure that, while EU type-approved or EU individually 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.

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 it does not comply with this Regulation when operating under conditions that can reasonably be expected in normal operation.

Article 8

Specific obligations of manufacturers

1. Manufacturers who have sufficient reason to believe that EU type-approved or EU individually approved non-road mobile machinery which they have made available on the market is not in conformity with the requirements laid down in 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 notify the user of that non-conformity.

   The manufacturer shall immediately inform the approval authority which granted the EU type-approval or the EU individual approval, giving details of the non-conformity and of any measures taken.

2. Manufacturers who have sufficient reason to believe that the non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the approval authorities and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market thereof, giving details of that risk and any corrective measures taken. Manufacturers shall immediately inform the users of that serious risk and any corrective measures taken via appropriate means.

3. Manufacturers shall keep, at the disposal of the approval authorities 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 non-road mobile machinery.

4. Following a reasoned request from a national authority, a manufacturer shall provide that authority, through the approval authority, with a copy of the EU type-approval certificate or the EU individual approval certificate translated into a language which can be easily understood by that authority.

Manufacturers shall cooperate with national authorities 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 has been placed on the market, registered or entered into service.

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 the market.

In case of a substantiated complaint, manufacturers shall immediately inform their distributors and importers thereof.

Manufacturers shall keep a record of the complaints referred to in the first subparagraph, including a description of the issue and the details needed to identify the affected type of non-road mobile machinery.

Article 9

Obligations of a manufacturer's representative regarding market surveillance

1. The manufacturer's representative for market surveillance shall perform the tasks specified in the mandate received from the manufacturer. That mandate shall allow a representative to do the following:

(a) have access to the information folder referred to in Article 19 and the certificates of conformity;

(b) following a reasoned request from an approval authority or a market surveillance authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of an EU type-approved non-road mobile machinery in accordance with this Regulation;

(c) cooperate with the approval authorities or market surveillance authorities, at their request, on any action in accordance with Chapter X of this Regulation relating to non-road mobile machinery covered by their mandate;

(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;

(e) have the right to terminate the mandate without penalty if the manufacturer acts contrary to its obligations under this Regulation.

2. A manufacturer's representative for market surveillance who terminates a mandate on the grounds referred to in paragraph 1, point (e), shall immediately inform the approval authority that granted the EU type-approval or the EU individual approval.

Article 10

General obligations of importers

1. Importers shall ensure that non-road mobile machinery that they place on the market either belongs to a type that has been granted an EU type-approval and conforms to that type or has been granted an EU individual approval.

2. Importers shall ensure that the EU type-approved non-road mobile machinery they place on the market bears the statutory plate with marking required by this Regulation and is accompanied by its certificate of conformity.

   Importers shall also ensure for the EU type-approved and the EU individually approved non-road mobile machinery they place on the market that the documents, information and instructions for the user have been drawn up as required by this Regulation, and that the obligations set out in Article 7(3) and (4), where applicable, have been fulfilled.

3. Importers shall indicate their names, registered trade names or registered trade marks, and the postal and email addresses 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 indicated by an importer shall indicate a single point at which that importer can be contacted. Contact details shall be in a language easily understood by users and market surveillance authorities.

4. Importers shall ensure that, while EU type-approved or EU individually approved non-road mobile machinery is under their responsibility and 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 11

Specific obligations of importers

1. Importers shall not make available on the market non-road mobile machinery that is not in conformity with the requirements laid down in this Regulation, until such machinery has been brought into conformity.

2. Importers who have sufficient reason to believe that the non-road mobile machinery which they have made available on the market is not in conformity with the requirements laid down in this Regulation shall immediately take the corrective measures necessary to bring that non-road mobile machinery into conformity, or to withdraw or recall it, as appropriate.

3. Importers who have sufficient reason to believe that the non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the manufacturer, the approval authorities and the market surveillance authorities of the Member States in which they have placed it on the market or entered it into service.

   The importer shall also inform those authorities of any action taken and give details of the serious risk and any corrective measures taken byđ the manufacturer.

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 authorities and the market surveillance authorities and shall ensure that the information package can be made available to those authorities at their request.

5. An importer shall, following a reasoned request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of non-road mobile machinery in a language which can be easily understood by that authority. The importer shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by the non-road mobile machinery which it has placed on the market.

6. Importers shall keep a record of 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 12

General obligations of distributors

1. When making EU type-approved or EU individually approved non-road mobile machinery available on the market, distributors shall act with due care in relation to the relevant provisions of this Regulation.

2. Before making non-road mobile machinery available on the market, distributors shall verify that the following conditions have been fulfilled:

(a) that the EU type-approved non-road mobile machinery bears the statutory plate with marking required by this Regulation;

(b) that a certificate of conformity accompanies the EU type-approved non-road mobile machinery;

(c) that, for EU-type approved and EU individually approved non-road mobile machinery, the documents, information and instructions for the user have been drawn up as required by this Regulation;

(d) that, for EU-type approved and EU individually approved non-road mobile machinery, the obligations set out in Article 7(3) and (4) and Article 10(3), where applicable, have been met.

3. Distributors shall ensure that, while EU type-approved or EU individually approved non-road mobile machinery is under their responsibility, storage or transport conditions do not jeopardise its conformity with this Regulation.

Article 13

Specific obligations of distributors

1. Where distributors have sufficient reason to believe that non-road mobile machinery under their responsibility is not in conformity with this Regulation, they shall inform the manufacturer, the importer and the approval authority that granted the EU type-approval or the EU individual approval thereof, and shall not make that non-road mobile machinery available on the market until it has been brought into conformity.

2. Distributors who have sufficient reason to believe that the non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall inform the manufacturer, the importer and the approval authority that granted the EU type-approval or the EU individual approval thereof.

3. Distributors who have sufficient reason to believe that the 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 authorities and market surveillance authorities of the Member States in which they made it available on the market.

   The distributor shall also inform those authorities of any action taken and give details, in particular, of the serious risk and of corrective measures taken by the manufacturer.

4. A distributor shall, following a reasoned request from a national authority, ensure that the manufacturer provides the national authority with the information specified in Article 8(4) or that the importer provides the national authority with the information specified in Article 11(4). The distributor 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 it has 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 regarding non-road mobile machinery that they have made available on the market.

Article 14

Cases in which obligations of manufacturers apply to importers and distributors

An importer or distributor shall be considered to be a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer in any of the following cases:

(a) where the importer or distributor makes available on the market, registers or is responsible for the entry into service of non-road mobile machinery under its name or trade mark;

(b) where the importer or distributor modifies that machinery in such a way that may affect compliance with this Regulation.

Article 15

Identification of economic operators

Economic operators shall, on request, identify to the approval authorities and market surveillance authorities, for a period of 10 years after the placing on the market of non-road mobile machinery, the following:

(a) any economic operator who has supplied them with non-road mobile machinery;

(b) any economic operator to whom they have supplied non-road mobile machinery.

Article 16

Technical requirements for non-road mobile machinery intended to circulate on public roads

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 the risk of damage to road infrastructure, in the machinery's surrounding area, while that non-road mobile machinery is circulating on a public road.

2. The Commission is empowered to adopt delegated acts in accordance with Article 50 concerning detailed rules on the requirements set out in paragraph 1 for the following elements:

(a) vehicle structure integrity;

(b) maximum design speed, speed governor, speed limitation devices and speedometers;

(c) braking devices;

(d) steering.

(e) field of vision;

(f) windscreen wipers;

(g) glazing and its installation;

(h) indirect vision devices;

(i) lighting, installation of lighting and visual warnings and markings;

(j) the exterior and accessories in on-road position, including working equipment and swinging structure;

(k) audible warning devices and their installation;

(l) heating systems, defrosting and demisting systems;

(m) registration plate spaces;

(n) statutory plate with marking;

(o) dimensions;

(p) masses;

(q) energy storage systems;

(r) tyres;

(s) reverse gear;

(t) tracks;

(u) mechanical couplings;

(v) driver and other occupants' seating positions and restraint systems;

(w) additions to the operator's manual specific for road use;

(x) operator's controls.

The delegated acts referred to in the first subparagraph may lay down detailed rules for any other element, where necessary, due to technical and scientific progress, and to ensure compliance with paragraph 1.

The delegated acts referred to in the first subparagraph shall also, where appropriate, include detailed rules on the following:

(a) test procedures chosen from those listed in Article 22(3);

(b) test methods;

(c) limit values or parameters, in relation to any of the elements listed in the first subparagraph.

(d) description of equipment or parts of equipment that non-road mobile machinery shall be equipped with;

(e) specific characteristics of the non-road mobile machinery.

The delegated acts referred to in the first subparagraph may provide different detailed rules for different non-road mobile machinery groups and shall specify whether their provisions apply to non-road mobile machinery intended to circulate on public roads with a driver, without a driver, or both.

3. 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 17

Making available on the market, registration or entry into service of non-road mobile machinery

1. Non-road mobile machinery intended to circulate on public roads shall not be made available on the market, registered or entered into service, unless it is in conformity with this Regulation.

2. Non-road mobile machinery shall only be in conformity with this Regulation if the obligations set out in this Regulation, corresponding to that machinery, have been fulfilled.

Chapter III
EU type-approval procedure

Article 18

Application for EU type-approval

1. The manufacturer or its representative for EU type-approval shall submit to the approval authority an application for EU type-approval and the information folder referred to in Article 19.

   Where a manufacturer is established outside the Union, it shall appoint a single representative established within the Union to represent that manufacturer before the approval authority. In cases where the manufacturer is established inside the Union, that manufacturer may appoint such a representative.

2. The EU type-approval shall consist of the approval of non-road mobile machinery as a whole by means of a single operation.

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.

4. A separate application for EU type-approval shall be submitted for each type of non-road mobile machinery to be approved.

Article 19

Information folder

1. The manufacturer or its representative for EU type-approval, when submitting an application for EU type-approval in accordance with Article 18(1), shall provide the approval authority with an information folder.

2. The information folder shall include the following:

   (a) an information document;

   (b) all data, drawings, photographs and other relevant information;

   (c) a copy of the EU declaration of conformity provided for in the applicable Union legislation harmonising the conditions for the marketing of products;

   (d) any information requested by the approval authority in the context of the procedure for the application for EU type-approval.

3. The information folder shall be provided in paper format, or in an electronic format that is accepted by the technical service and by the approval authority.

4. The Commission shall adopt implementing acts laying down templates for the information document and for the information folder. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Chapter IV
Conduct of EU type-approval procedures

Article 20

General provisions on the conduct of EU type-approval procedures

1. Approval authorities shall grant only one EU type-approval for each type of non-road mobile machinery.

2. Approval authorities shall verify the following:

   (a) the conformity of production arrangements referred to in Article 23; and

   (b) the compliance of the type of non-road mobile machinery with the applicable technical requirements.

   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 a detailed file to the approval authorities of the other Member States and the Commission explaining the reasons for its decision and setting out the evidence for its findings.

3. The approval authority shall, without delay, inform the approval authorities of the other Member States of its refusal or withdrawal of any EU type-approval, together with the reasons for its decision, by means of a common secure electronic exchange system.

4. The approval authority shall put together an information package consisting of the following:

(a) an information folder accompanied by the test reports and all other documents added by the technical service or by the approval authority to that information folder in the course of carrying out their functions;

(b) an index listing the contents of the information package, suitably numbered and presenting a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updates.

The approval authority shall keep the information contained in the information package referred to in the first subparagraph available for a period of 10 years after the end of validity of the EU type-approval concerned.

5. The Commission may have access to the common secure electronic exchange system, referred to in paragraph 3 and Articles 21(3), 26(3) and 27(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 49(2).

Article 21

EU type-approval certificate

1. When an EU type-approval is granted, an EU type-approval certificate shall be issued by the approval authority to the manufacturer or its representative for EU type-approval.

   The EU type-approval certificate shall remain valid as long as the EU type-approval is valid.

   The EU type-approval certificate shall be amended by the approval authority when the relevant EU type-approval is amended.

2. The EU type-approval certificate shall contain the following attachments:

   (a) the information package referred to in Article 20(4);

   (b) the test results sheet;

   (c) the name and specimen of the signature of the person authorised to sign a certificate of conformity and a statement of that person's position in the company;

   (d) a filled-out specimen of the certificate of conformity.

3. The Commission shall adopt implementing acts laying down a harmonised numbering system. EU type-approval certificates shall be numbered in accordance with that harmonised numbering system. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2). The approval authority shall, within 1 month of issuing the EU type-approval certificate, send a copy of the EU type approval certificate for non-road mobile machinery to the approval authorities of the other Member States, together with the attachments, by means of a common secure electronic exchange system.

4. The Commission shall adopt implementing acts laying down the template for the EU type approval certificate. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2). In respect of each type of non-road mobile machinery, the approval authority shall:

(a) complete all the relevant sections of the EU type-approval certificate, including the test results sheet attached thereto;

(b) compile the index to the information package;

(c) issue the completed certificate, together with its attachments, to the manufacturer or its representative for EU type-approval, without delay.

5. The Commission shall adopt implementing acts laying down the template for the test results sheet referred to in paragraph 2, point (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

6. In the case of an EU type-approval for which, in accordance with Article 30, restrictions have been imposed as to its validity, the EU type-approval certificate shall specify those restrictions.

7. The approval authority shall establish a list of applicable requirements or acts and attach that list to the EU type-approval certificate. The Commission shall adopt implementing acts laying down the template for such a list. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Article 22

Demonstrating compliance for EU type-approval

1. For the purpose of granting EU type-approval of non-road mobile machinery, compliance shall be demonstrated with the requirements laid down in this Regulation, and in particular the applicable technical requirements.

2. The manufacturer or its representative for EU-type approval shall demonstrate compliance with the applicable technical requirements by drawing up technical documentation.

3. The technical documentation referred to in paragraph 2 shall include a declaration of compliance from the manufacturer or, if tests are required by the delegated acts adopted pursuant to this Regulation, relevant test reports resulting from the following test procedures:

(a) testing carried out by the manufacturer; for testing procedures included in this point the responsibility of the approval authority is limited to checking that both the declaration and the testing reports are included within the file;

(b) testing carried out by a technical service designated to perform such activity or the accredited in-house technical service, referred to in Article 43, of that manufacturer;

(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 43.

4. For the EU type-approval of non-road mobile machinery, components or separate technical units which are type-approved in accordance with the procedures and requirements set out in Regulation (EU) No 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 not affect the conformity of that machinery with the applicable technical requirements.

5. The Commission shall adopt implementing acts laying down the general requirements for the format of the test reports referred to in paragraph 3 with which such test reports shall comply. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

6. The manufacturer or its representative for EU-type approval shall make available to the approval authority as much non-road mobile machinery as is required under the relevant delegated acts adopted pursuant to this Regulation for the performance of the tests set out by those delegated acts.

The required tests shall be performed on non-road mobile machinery which is representative of the type to be approved.

However, the manufacturer or its representative for EU-type approval may select, subject to the agreement of the approval authority, non-road mobile machinery which is not a representative of the type concerned but which 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.

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 manufacturer or its representative for EU-type approval with respect to those requirements established 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.

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 50, which supplement this Regulation by setting out the requirements, compliance with which can be tested by means of virtual testing, and the conditions under which that virtual testing is to be performed.

Article 23

Conformity of production arrangements

1. An approval authority which grants an EU type-approval shall take the necessary measures to verify, directly, in cooperation with, or on the basis of the verification already carried out by the approval authority of another Member State, 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.

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 28 and that the holder of EU type-approval has made adequate arrangements to ensure that the data in the certificates of conformity are correct.

3. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, directly, in cooperation with, or on the basis of the verification already carried out by the approval authority of another Member State, that the arrangements referred to in paragraphs 1 and 2 of this Article 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 28.

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 facilities.

5. When an approval authority which has granted an EU type-approval establishes that the arrangements referred to in paragraphs 1 and 2 have not been made, deviate significantly from the arrangements and control plans agreed or are no longer considered to be adequate, even though production has continued, it shall either take the necessary measures to ensure that the procedure for conformity of production is followed correctly or withdraw the EU type-approval. The approval authority may decide to take all necessary corrective or restrictive measures laid down in Chapter X.

6. The Commission is empowered to adopt delegated acts in accordance with Article 50 concerning the detailed arrangements with regard to conformity of production, such as the detailed conditions under which approval authorities may not refuse the verification already carried out by the approval authority of another Member State.

Chapter V
Amendments to EU type-approval

Article 24

General provisions

1. The holder of an EU type-approval shall, without delay, inform the approval authority that granted the EU type-approval of any change in the particulars recorded in the information package.

2. That approval authority shall decide which of the procedures laid down in Article 25 is to be followed.

3. Where necessary and after consulting the holder of the EU type-approval, the approval authority may decide that an amendment to the EU type-approval needs to be granted.

4. The holder of an EU type-approval to be amended shall submit an application for the amendment to the EU type-approval to the approval authority that granted the EU type-approval to be amended.

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.

The procedures referred to in Article 25 shall only apply 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 25

Amendments to the EU type-approval

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 24.

2. The approval authority shall designate the amendment as a ‘revision’ if inspections or tests are not required to be repeated.

   In such a case, the approval authority shall issue the revised pages of the information package as necessary, marking each of the 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.

3. The approval authority shall designate the amendment as an ‘extension’ if any of the following occurs:

   (a) further inspections or tests are required;

(b) any information on the EU type-approval certificate, with the exception of its attachments, has changed; or

(c) new requirements under any act adopted pursuant to this Regulation become applicable to the EU type-approved non-road mobile machinery.

4. When 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 EU 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.

5. No amendment to the EU type-approval of 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 26

Issue and notification of amendments

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 the EU type-approval.

2. In the case of an extension, the approval authority shall issue an updated EU type-approval certificate denoted by an extension number, incremented in accordance with the number of successive extensions already granted. That updated 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.

That updated certificate and its attachments shall be issued by the approval authority to the holder of the EU type-approval.

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
Validity of EU type-approval

Article 27

Termination of validity

1. EU type-approvals shall be granted for an unlimited duration.

2. An EU type-approval shall become invalid in each of the following cases:

   (a) where production of the EU type-approved non-road mobile machinery is definitively discontinued voluntarily;

   (b) where 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;

   (c) where the validity of the EU type-approval expires by virtue of a restriction in accordance with Article 30(3);

   (d) where the EU type-approval has been withdrawn in accordance with Article 23(5).

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 become invalid 24 months after the date of application of the new requirements referred to in the first subparagraph, point (b).

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.

4. Where the production of a particular type of non-road mobile machinery is discontinued definitively, the holder of the EU type-approval shall notify the approval authority that granted the EU type-approval for that non-road mobile machinery thereof.

5. Within 1 month of receiving the notification referred to in paragraph 4, the approval authority that 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.

6. Without prejudice to paragraphs 4 and 5, in cases where an EU type-approval of non-road mobile machinery is due to become invalid, the holder of the EU type-approval shall notify the approval authority that granted the EU type-approval thereof.

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.

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.

Chapter VII
Certificate of conformity and the statutory plate with marking

Article 28

Certificate of conformity

1. The manufacturer shall issue 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.

2. The certificate of conformity shall be delivered free of charge to the 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 the EU type-approval.

3. The certificate of conformity may be provided either in paper or in electronic format.

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 by the manufacturer in paper format, free of charge.

4. The approval authority receiving the certificate of conformity, as structured data in electronic format, shall:

(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

(b) provide read-only access.

Member States shall establish the organisation and structure of their data network to enable data reception of the certificates of conformity, preferably by making use of existing systems for the exchange of structured data.

5. 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.

6. The manufacturer shall use the template in paper and electronic formats for the certificate of conformity adopted by the Commission by means of implementing acts referred to in paragraph 7.

All data exchange in accordance with this Article shall be performed by means of secure data exchange protocols specified in implementing acts referred to in paragraph 8.

7. The Commission shall adopt implementing acts concerning the certificate of conformity in paper format, setting out, in particular:

(a) the template for the certificate of conformity;

(b) the security elements to prevent forgery of the certificate of conformity; and

(c) the specification concerning the manner of signing of the certificate of conformity.

The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 49(2).

8. The Commission shall, taking into account the data required to be provided on the certificate of conformity in paper format, adopt implementing acts concerning certificates of conformity in electronic format setting out, in particular:

(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;

(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 signatures;

(c) the means of exchange of the data of the certificate of conformity in electronic format.

The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 49(2).

9. The certificate of conformity shall be drawn up in an official language of a Member State. Any approval authority may request the manufacturer to have the certificate of conformity translated into the official languages of its Member State.

10. The person authorised to sign certificates of conformity shall be within 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 the conformity, of the production of the non-road mobile machinery.

11. The certificate of conformity shall be completed in its entirety and shall not contain restrictions as regards the use of the non-road mobile machinery other than those provided for in this Regulation.

12. The certificate of conformity shall, for non-road mobile machinery approved in accordance with Article 30(2), display in its title the phrase 'For non-road mobile machinery, type-approved in accordance with Article 30(2) of Regulation (EU) …/…[+] of the European Parliament and of the Council of … on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020'.

13. Without prejudice to paragraph 1, the manufacturer may transmit the certificate of conformity to the registration authority of any Member State by electronic means.

[+] OJ: Please insert in the text the serial number and date of publication of this Regulation.

Article 29

Statutory plate with marking of non-road mobile machinery

1. The manufacturer shall affix a statutory plate with marking to non-road mobile machinery manufactured in conformity with the approved type.

2. The Commission shall adopt implementing acts laying down the model for the statutory plate with marking of non-road mobile machinery. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2). The first such implementing acts shall be adopted by … [30 months from the date of entry into force of this Regulation].

Chapter VIII

New technologies or new concepts

Article 30

Exemptions for new technologies or new concepts

1. The application referred to in Article 18 may be submitted in respect of a type of non-road mobile machinery that incorporates new technologies or new concepts which are incompatible with the applicable technical requirements.

2. The approval authority shall grant the EU type-approval for the non-road mobile machinery referred to in paragraph 1 where all of the following conditions are met:

(a) the application states the reasons why the technologies or concepts in question are incompatible with the applicable technical requirements;

(b) the application describes the implications in relation to the aspects covered by the new technology and the measures taken in order to ensure at least an equivalent level of protection in relation to the aspects covered as that provided by the requirements from which exemption is sought;

(c) test descriptions and results carried out by a technical service designated to perform such activity or by the accredited in-house technical service, referred to in Article 41, of that manufacturer demonstrate that the condition in point (b) is met.

3. The granting of such an EU type-approval exempting new technologies or new concepts shall be subject to authorisation by the Commission.

The Commission shall adopt an implementing act to decide whether to grant or refuse to grant the authorisation referred to in the first subparagraph of this paragraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Where appropriate, that implementing act shall specify whether the authorisation is subject to any restrictions, including a validity period.

In all cases, the EU type-approval shall be valid for at least 36 months.

4. Pending the decision on authorisation by the Commission, the approval authority may grant a provisional EU type-approval.

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.

The approval authority that granted the provisional EU type-approval shall, without delay, inform the Commission and other approval authorities by means of a file containing the information referred to in paragraph 2, that all the conditions referred to in that paragraph are fulfilled.

The provisional nature and the limited territorial validity shall be apparent from the heading of the EU 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 EU 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 49(2).

5. An approval authority, other than the authority referred to in paragraph 4, may accept the provisional EU type-approval referred to in paragraph 4 in writing, so that the validity of that provisional approval is extended in the territory of that Member State.

6. Where the Commission refuses the authorisation, the approval authority shall immediately give notice to the holder of the provisional EU type-approval referred to in paragraph 4 that the provisional approval will be revoked 6 months after the date of application of the implementing act referred to in paragraph 3.

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:

(a) that machinery was manufactured in conformity with the provisional EU type-approval before it ceased to be valid;

(b) that machinery bears the statutory plate with marking, required by this Regulation;

(c) the provisional certificate of conformity accompanies that machinery; and

(d) the documents, information and instructions for the user have been drawn up as required by this Regulation.

Article 31

Subsequent amendments to delegated and implementing acts

1. Where the Commission authorises the granting of an exemption pursuant to Article 30, it shall immediately take the necessary steps to amend the delegated or implementing acts concerned to reflect technological developments.

2. As soon as the relevant acts have been amended, any restriction set out in the Commission decision authorising the exemption shall be lifted.

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 49(2), the Member State to extend the EU type-approval.

Chapter IX
EU individual approval

Article 32

EU individual approval

1. Member States shall grant an EU individual approval for non-road mobile machinery that complies with the requirements laid down in this Regulation.

2. An application for an EU individual approval for non-road mobile machinery shall be submitted by the owner, the manufacturer, a representative who is established in the Union and appointed for that purpose by the manufacturer, or the importer of the non-road mobile machinery.

3. The delegated acts referred to in Article 16(2) may provide different detailed rules for non-road mobile machinery that is subject to EU individual approval. Those rules shall cover the test procedures referred to in Article 22(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.

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.

5. The Commission shall adopt implementing acts laying down the template and the numbering system of EU individual approval certificates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Chapter X

Safeguard clauses

Article 33

National evaluation of non-road mobile machinery suspected of presenting a serious risk or not being in conformity

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 non-road mobile machinery presents a serious risk or is not in conformity with the requirements laid down in this Regulation, it shall carry out an evaluation of the non-road mobile machinery concerned with respect to the relevant requirements laid down in this Regulation.

2. The relevant economic operators and the relevant approval authorities shall cooperate fully with the market surveillance authorities.

Article 34

National procedures for dealing with non-road mobile machinery presenting a serious risk or not being in conformity

1. Where, after having performed the evaluation pursuant to Article 33, the market surveillance authority of a Member State finds that non-road mobile machinery presents a serious risk or is not in conformity with this Regulation, it shall require without delay that the relevant economic operator takes 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.

2. Economic operators shall, in accordance with the obligations set out in Articles 7 to 14, 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. Where economic operators do not take appropriate corrective measures within the relevant period referred to in paragraph 1 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. Article 18 of Regulation (EU) 2019/1020 shall apply to the restrictive measures referred to in paragraph 3.

Article 35

Corrective and restrictive measures at Union level

1. The national authority taking either a corrective or a restrictive measure in accordance with Article 34 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.

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 those corrective or restrictive measures shall also be notified via the Safety Gate Rapid Alert System referred to in Article 25 of Regulation (EU) 2023/988 of the European Parliament and of the Council[14].

The information provided in accordance with the first and second subparagraphs shall include all available details, including the data necessary for the identification of the concerned non-road mobile machinery, its origin, the nature of the alleged non-compliance or the risk involved, the nature and duration of the national measures taken, and the arguments put forward, when those arguments are put forward, by the relevant economic operator.

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[14] Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and of the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC (OJ L 135, 23.5.2023, p. 1).

2. The Member State that takes the measure shall indicate whether the risk or the non-compliance is due to the following:

(a) the failure of the non-road mobile machinery to comply with this Regulation; or

(b) shortcomings in the relevant regulatory acts adopted pursuant to this Regulation.

3. Member States other than the Member State that takes the measure shall inform, within 1 month of the notification referred to in paragraph 1, the Commission and the other Member States of any 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.

4. Where, within 3 months of 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 measures are taken without delay within their territories in respect of the non-road mobile machinery concerned.

5. Where, within 3 months of the notification referred to in paragraph 1, another Member State 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.

6. On the basis of the consultation referred to in paragraph 5, the Commission shall adopt implementing acts to decide on harmonised measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

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 acts referred to in paragraph 6 without delay and shall inform the Commission accordingly.

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.

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.

10. Where a corrective measure is considered to be justified in accordance with this Article or is subject to the implementing acts referred to in paragraph 6, that measure shall be available free of charge to the owners of 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 36

Non-compliant EU type-approval

1. Where an approval authority finds that an EU type-approval that has been granted by the approval authority of another Member State is not in compliance with this Regulation, it shall refuse to recognise that approval.

2. The approval authority shall 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 1 month of the notification, the non-compliance of the EU type-approval is confirmed by the approval authority that granted the EU type-approval, that approval authority shall withdraw the EU type-approval.

3. Where, within 1 month of 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 EU type-approval and the relevant economic operator.

4. On the basis of the consultation referred to in paragraph 3 of this Article, the Commission shall adopt implementing acts to decide if the refusal of recognition of the 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 49(2).

The Commission shall immediately communicate the decision referred to in the first subparagraph of this paragraph to the relevant economic operators. The Member States shall implement such acts without delay and shall inform the Commission accordingly.

5. Where the Commission establishes that an EU type-approval that has been granted is not in compliance with this Regulation, it shall consult the Member States without delay, in particular the approval authority that granted the EU type-approval and the relevant economic operator.

On 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 EU 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 49(2).

6. Articles 33, 34 and 35 apply to non-road mobile machinery that is the subject of a non-compliant EU type-approval and that has already been made available on the market.

Chapter XI
Provision of technical information

Article 37

Information intended for users

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.

2. The manufacturer shall make available to users all relevant information and necessary instructions describing any conditions or restrictions linked to the use of non-road mobile machinery. The approval authorities shall provide indications on the minimum information and instructions that need to be made available.

3. The information referred to in paragraph 2 shall be provided in addition to the operator's manual specific for road use.

4. The operator's manual specific for road use, including the information referred to in paragraph 2, shall be made available with the non-road mobile machinery and supplied:

   (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

(b) in paper format or in an easily accessible electronic format.

When the operator's manual is provided in an electronic format, the manufacturer shall provide information 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 XII

Designation and notification of technical services

Article 38

Requirements relating to technical services

1. Approval authorities shall ensure that before they designate a technical service pursuant to Article 40, that service meets the requirements laid down in paragraphs 2 to 10 of this Article.

2. A technical service shall be established under national law and have legal personality except for a technical service belonging to an approval authority and except for an accredited in-house technical service of the manufacturer, as referred to in Article 41.

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.

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, provided that its independence and the absence of any conflict of interest are demonstrated, be considered as fulfilling the requirements of the first subparagraph.

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 40(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.

5. A technical service shall ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of the categories of activities for which it has been designated.

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.

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 40(1), by demonstrating to the satisfaction of its designating approval authority, that it has:

(a) personnel with appropriate skills, specific technical knowledge and vocational training as well as sufficient and appropriate experience to perform the task;

(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;

(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

(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.

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 44 which are relevant for the categories of activities for which it is designated.

8. The technical services, their top-level management and the assessment personnel shall be impartial. They shall not engage in any activity that may be in conflict with their independence of judgment or integrity in relation to the categories of activities for which they are designated.

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 law, or the Member State itself is directly responsible for the conformity assessment.

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 law giving effect to it, except in relation to the designating approval authority or where required by Union or national law. Proprietary rights shall be protected.

Article 39

Subsidiaries of and subcontracting by technical services

1. Technical services may subcontract some of their activities for which they have been designated in accordance with Article 40(1), or have those activities carried out by a subsidiary, only with the agreement of their designating approval authority.

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 38 and shall inform the designating approval authority accordingly.

3. Technical services shall take full responsibility for the tasks performed by any of their subcontractors or subsidiaries, wherever they are established.

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 40

Designation of technical services

1. Technical services shall be designated for one or more of the following categories of activities, depending on their field of competence:

   (a) category A: technical services that carry out the tests referred to in this Regulation in their own facilities;

   (b) category B: technical services that 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;

   (c) category C: technical services that assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production;

   (d) category D: technical services that supervise or perform tests or inspections for the surveillance of conformity of production.

2. An approval authority may be designated as a technical service for one or more of the activities referred to in paragraph 1.

3. Technical services of a third country, other than those designated in accordance with Article 41, may be notified for the purposes of Article 44, 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 national law in accordance with Article 38(2), from establishing subsidiaries in third countries, provided that the subsidiaries are directly managed and controlled by the designated technical service.

Article 41

Accredited in-house technical services of the manufacturer

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 Article 40(1), point (a). 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.

2. An accredited in-house technical service shall be designated by the approval authority of a Member State and meet the following requirements:

(a) the accredited in-house technical service shall be accredited by a national accreditation body as defined in Article 2, point (11), of Regulation (EC) No 765/2008 of the European Parliament and of the Council[15] and in accordance with the rules referred to in Article 42 of this Regulation;

(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;

(c) neither the accredited in-house technical service nor its personnel shall engage in any activity that might conflict with their independence of judgment or integrity in relation to the categories of activities for which they have been designated;

(d) the accredited in-house technical service shall supply its services exclusively to the undertaking of which it forms part.

3. An accredited in-house technical service need not be notified to the Commission for the purposes of Article 44, 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.

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[15] Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

Article 42

Rules for the assessment of technical services

and accredited in-house technical services

The Commission is empowered to adopt delegated acts in accordance with Article 50 which supplement this Regulation by setting out the rules with which the technical services have to comply for their assessment in accordance with Article 43 and the accreditation of in-house technical services in accordance with Article 41.

Article 43

Assessment of the skills of the technical services

1. The designating approval authority shall draw up an assessment report demonstrating that the candidate technical service and, where relevant, any subsidiary or subcontractor, has been assessed for its compliance with the requirements laid down in this Regulation and the delegated acts adopted pursuant to this Regulation. That report may include a certificate of accreditation issued by an accreditation body.

2. The assessment on which the report referred to in paragraph 1 is based shall be conducted in accordance with the rules laid down in a delegated act referred to in Article 42. The assessment report shall be reviewed at least every 3 years.

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 laid down in this Regulation, the designating approval authority shall provide the Commission with documentary evidence which attests the technical service's competence and the arrangements in place to ensure that the technical service is monitored regularly by the designating approval authority and satisfies the requirements laid down in this Regulation and the acts adopted pursuant to this Regulation.

4. The approval authority that intends to be designated as a technical service in accordance with Article 40(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.

5. An accredited in-house technical service shall comply with the relevant provisions of this Article.

Article 44

Procedures for notification

1. Member States shall notify the Commission of the name, postal and email addresses, responsible persons and category of activities of each technical service they have designated, as well as any subsequent modifications to those designations. That notification shall state for which elements listed in Article 16(2) or any other element specified in delegated acts referred to in the second subparagraph of that paragraph the technical services have been designated.

2. A technical service may conduct the activities referred to in Article 40(1) on behalf of the designating approval authority responsible for the type-approval only if it has been notified beforehand to the Commission in accordance with paragraph 1 of this Article.

3. The technical service referred to in paragraph 2 may be designated by several designating approval authorities and notified by the Member States of those designating approval authorities irrespective of the category or categories of activities it will conduct in accordance with Article 40(1).

4. Member States shall notify the Commission of any subsequent relevant changes to the designation.

5. Where a specific organisation or competent body carrying out an activity not included in those referred to in Article 40(1), needs to be designated in accordance with the acts adopted pursuant to this Regulation, the notification shall be made 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 45

Changes to designations

1. Where an 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, and inform that technical service thereof. The Member State that has notified that technical service shall immediately inform the Commission accordingly. The Commission shall modify the information published referred to in Article 44(6) accordingly.

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 46

Challenge to the competence of technical services

1. The Commission shall investigate all cases where it has 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.

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.

3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

4. Where the Commission ascertains that a technical service does not comply or no longer complies with the requirements for its designation, it shall inform the Member State of the designating approval authority accordingly.

   The Commission shall request that Member State to restrict, suspend or withdraw the designation, where necessary.

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 49(2). The Commission shall notify the Member State concerned of those implementing acts and shall update the information published referred to in Article 44(6) accordingly.

Article 47

Operational obligations of technical services

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.

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.

3. Technical services shall at all times:

   (a) allow their designating approval authority to witness the technical service during the conformity assessment as appropriate; and

   (b) without prejudice to Article 38(10) and Article 48, provide their designating approval authority with information on their categories of activities falling under the scope of this Regulation as may be requested.

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 so that the designating approval authority requires the manufacturer to take appropriate corrective measures and subsequently refrain from issuing an EU type-approval certificate unless the appropriate corrective measures have been taken to the satisfaction of the approval authority.

5. Where, in the course of monitoring the conformity of production following the issuance of an EU type-approval certificate, a technical service acting on behalf of the designating approval authority finds that non-road mobile machinery is no longer in conformity with this Regulation, it shall report that finding to the designating approval authority. The approval authority shall take the appropriate measures as provided for in Article 23.

Article 48

Information obligations of technical services

1. Technical services shall inform their designating approval authority of the following:

   (a) any non-conformity encountered which may require a refusal, restriction, suspension or withdrawal of an EU type-approval certificate;

   (b) any circumstances affecting the scope of, and conditions for, their designation;

   (c) any request for information which they have received from market surveillance authorities regarding their activities.

2. On request from their designating approval authority, technical services shall provide information on the activities within the scope of their designation and on any other activity performed, including cross-border activities and subcontracting.

Chapter XIII

Implementing acts and delegated acts

Article 49

Committee procedure

1. The Commission shall be assisted by the Technical Committee — Agricultural Vehicles (TC-AV), established by Regulation (EU) No 167/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 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 Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.

Article 50

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 5(6), Article 16(2), Article 22(9), Article 23(6) and Article 42 shall be conferred on the Commission for a period of 5 years from … [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of that 5-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 3 months before the end of each period.

3. The delegation of power referred to in Article 5(6), Article 16(2), Article 22(9), Article 23(6) and Article 42 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 5(6), Article 16(2), Article 22(9), Article 23(6) or Article 42 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

7. The Commission shall adopt delegated acts as referred to in Article 5(6), Article 16(2), Article 22(9), Article 23(6) and Article 42 before … [24 months from the date of entry into force of this Regulation].

Chapter XIV
Final provisions

Article 51

Amendment to Regulation (EU) 2019/1020

In Annex I to Regulation (EU) 2019/1020, the following point is added:

‘(XX)[+] Regulation (EU) …/… of the European Parliament and of the Council of … on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020 (OJ L, …, ELI: …)[++].’

Article 52

Forum for Exchange of Information on Enforcement

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:

   (a) matters related to the uniform interpretation of the requirements laid down in this Regulation;

   (b) the results of the activities relating to type-approval and market surveillance;

[+] OJ: Please insert in the text the next consecutive number of the list in Annex I to Regulation (EU) 2019/1020.

[++] OJ: Please insert in the text the serial number and date of publication of this Regulation contained in document PE-CONS 71/24 [2023/0090 (COD)].

(c) matters of general relevance with regard to the implementation of the requirements laid down in this Regulation in relation to the assessment, designation and monitoring of technical services;

(d) infringements by economic operators;

(e) implementation of the corrective or restrictive measures laid down in Chapter X;

(f) the planning, coordination and results of market surveillance activities.

2. Article 11(1), (4), (5), (6) and (7) of Regulation (EU) 2018/858 shall apply *mutatis mutandis*. Whenever relevant for the purpose of the implementation of this Regulation, stakeholders involved in safety matters related to road circulation shall be invited as observers to the Forum.

3. For the purposes of this Regulation:

(a) Articles 30(2) and 32 of Regulation (EU) 2019/1020 shall not apply;

(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 53

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by … [1 day before 3 years from the date of entry into force of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

2. The types of infringements which are subject to penalties shall include:

   (a) making false declarations during approval procedures or while corrective or restrictive measures are imposed in accordance with Chapter X;

   (b) falsifying test results for EU type-approval, for in-service conformity or for market surveillance;

   (c) withholding data or technical specifications which could lead to recall, refusal or withdrawal of the EU type-approval certificate;

   (d) refusal to provide access to information;

   (e) economic operators making available on the market or entering into service non-road mobile machinery subject to approval without such approval or falsifying documents or markings with that intention;

(f) economic operators not fulfilling their obligations;

(g) non-compliance by technical services in respect of the requirements for their designation.

Article 54

Review

1. By … [8 years from the date of entry into force 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.

2. The report shall be based on a consultation of relevant stakeholders and shall take into account any related European or international standards and the information referred to in paragraph 3.

3. By … [7 years from the date of entry into force of this Regulation], Member States shall inform the Commission of the following:

(a) the application of the type-approval and market surveillance procedures laid down in this Regulation;

(b) the number of EU type-approvals and EU individual approvals granted pursuant to 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 … [the date of entry into force of this Regulation].

Article 55

Transitional provisions

By way of derogation from this Regulation, until … [11 years from the date of entry into force of this Regulation], Member States may apply any national law on national type-approval of non-road mobile machinery for circulation on public roads to non-road mobile machinery that is placed on the market between … [3 years from the date of entry into force of this Regulation] and … [11 years from the date of entry into force of this Regulation]. During that period, the manufacturer may choose to apply for EU type-approval, to apply for EU individual approval or to comply with relevant national law.

Article 56

Entry into force and application

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

From … [date of entry into force of this Regulation], national authorities may grant EU type-approval for a new type of non-road mobile machinery or EU individual approval for new non-road mobile machinery and shall not, without prejudice to Article 5(6) and Chapter X, prohibit registration, placing on the market or entry into service of new non-road mobile machinery where the non-road mobile machinery concerned is in compliance with this Regulation and with the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.

As soon as national authorities have granted EU type-approval for a new type of non-road mobile machinery or EU individual approval for new non-road mobile machinery pursuant to the second paragraph, such national authorities shall not refuse to grant other EU type-approval or other EU individual approval when it is in compliance with this Regulation and with the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.

This Regulation shall apply from … [3 years from the date of entry into force of this Regulation].

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

Done at …, …

For the European Parliament	*For the Council*
The President	*The President*