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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2016/1628 as regards the extension of the empowerment of the Commission to adopt delegated acts – Letter to the Chair of the European Parliament [ENVI Committee]

Following the Permanent Representatives Committee meeting of 11 May 2022 which endorsed the mandate for negotiations with the European Parliament, delegations are informed that the Presidency sent the attached letter, together with its Annex, to the Chair of the European Parliament of ENVI Committee.

Conseil de l'Union européenne
Secrétariat général

SGS 22 / 02211

Bruxelles, le 11 mai 2022

M. Pascal CANFIN
Président, Commission de l'environnement, de la santé publique et de la sécurité alimentaire
Parlement européen
Rue Wiertz 60, B-1047 Bruxelles
Belgique

Objet: Proposition de RÈGLEMENT DU PARLEMENT EUROPÉEN ET DU CONSEIL modifiant le règlement (UE) 2016/1628 en ce qui concerne la prorogation de l'habilitation conférée à la Commission pour adopter des actes délégués

Cher Monsieur CANFIN,

À la suite de la réunion du Comité des représentants permanents qui a eu lieu aujourd'hui, je suis en position de confirmer que, si le Parlement européen approuvait sans amendements la proposition de la Commission qui figure à l'annexe (sous réserve de sa mise au point par les juristes-linguistes des deux institutions), le Conseil approuverait la position du Parlement européen, aboutissant à l'adoption du règlement sous la forme de la proposition de la Commission sans amendements qui figure à l'annexe (sous réserve de sa mise au point par les juristes-linguistes des deux institutions).

Cordialement,

M. Fabrice Dubreuil
Président du Comité des représentants permanents (1re partie)

Copie: **M. Thierry BRETON**, Membre de la Commission européenne

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ANNEX

2022/0080(COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2016/1628 as regards the extension of the empowerment of the Commission to adopt delegated acts

(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,

[1] OJ C , , p. .

Whereas:

(1) Regulation (EU) 2016/1628 of the European Parliament and of the Council[2] lays down essential provisions on the emission of gaseous and particulate pollutants and type-approval for internal combustion engines for non-road mobile machinery, and empowers the Commission to lay down the technical specifications in delegated and implementing acts. Article 55(2) of that Regulation conferred this delegation of power to the Commission for a limited period of five years, which expired on 6 October 2021. As there is a need to update elements of the type-approval legislation to technical progress or to introduce other amendments in line with the empowerments, including a delegated act that sets in-service monitoring requirements for internal combustion engines installed in non-road mobile machinery, the empowerment of the Commission to adopt delegated acts should be extended with the possibility of further extension.

(2) Regulation (EU) 2016/1628 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

[2] 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).

Article 1

In Article 55 of Regulation (EU) 2016/1628, paragraph 2 is replaced by the following:

‘2. The power to adopt delegated acts referred to in Articles 19(2), Article 24(11), Article 25(4), Article 26(6), Article 34(9), Article 42(4), Article 43(5) and Article 48 shall be conferred on the Commission for a period of ten years from 6 October 2016. The Commission shall draw up a report in respect of the delegation of power not later than 6 January 2026 and nine months before the end of each following five-year period. The delegation of power shall be tacitly extended for periods of five years, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.’

Article 2

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

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

Done at Brussels,

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