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From:	General Secretariat of the Council
To:	Delegations

Subject:	Comments by RO and SK delegations on 15897/23 - reporting requirements
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WK 1668/2024 INIT

LIMITE

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Romanian comments to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council as regards certain reporting requirements
(st 15897/23)

Title

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council as regards certain reporting requirements	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013, and Regulation (EU) No 168/2013 <u>and Regulation (EU) 2018/858</u> of the European Parliament and of the Council as regards certain reporting requirements
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Article 1 (3)

(3) Regulation (EU) No 168/2013 is amended as follows: (a) Article 78 is deleted. (b) Article 80 is deleted.	(3) Regulation (EU) No 168/2013 is amended as follows: (a) Article 78 is deleted. <u>(b) Article 79 is deleted.</u> (bc) Article 80 is deleted.
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Article 1 (4) - new

-	(4) Regulation (EU) 2018/858 is amended as follows: (a) Article 90 is deleted.
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SK comments

to proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council as regards certain reporting requirements - COM(2023) 643 final

The Slovak Republic welcomes the harmonisation in the field of vehicle approval as it brought the fundamental advantage that one member state approves the vehicle and other member states recognize this approval. It is an important element for the automotive industry as it contributes to the single European market.

EU type vehicle approval is adjusted for:

- vehicles of categories M, N and O in the Regulation (EU) 2018/858¹,
- vehicles of category L in the Regulation (EU) No 167/2013²,
- vehicles of categories T, C, R and S in the Regulation (EU) No 168/2013³,
- non-road mobile machinery currently in the legislative process⁴.

EU individual approval is introduced only in Article 44 of Regulation (EU) 2018/858 and was supplemented for non-road mobile machinery (Article 30a of the Council's general direction⁴).

EU individual approval is missing in Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013.

The Slovak Republic cannot agree with the conclusions of two studies of the European Commission⁵, according to which there is no necessity to introduce EU individual approval in Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013.

In our opinion, EU individual approval is essential and should be introduced in every vehicle approval regulation. Harmonised requirements, which would apply equally in each member state, would allow one member state to grant the EU individual approval and the vehicle can be registered in any member state. Currently, each member state has different requirements for granting national individual approval and this area is not harmonised in Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013, which leads to the fragmentation of the EU single market.

¹ 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.

² 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.

³ Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles.

⁴ Proposal for a Regulation of the European Parliament and of the Council on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020 - Council's negotiating position - <https://data.consilium.europa.eu/doc/document/ST-14703-2023-INIT/en/pdf>.

⁵ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to improve certain type-approval procedures and technical requirements of Regulation (EU) No 167/2013: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/03501>.

European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to assess the vehicle structure integrity requirements and the type-approval procedures for L-cat vehicles: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/64010>.

The Slovak Republic does not agree to the removal with the obligation for the European Commission specified in Article 75(4) of Regulation (EU) No 167/2013 and in Article 80(4) of Regulation (EU) No 168/2013, where European Commission should submit proposals for legislation that would include individual vehicle approvals based on harmonized requirements.

In the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council as regards certain reporting requirements, we propose the following changes:

- Recital 8

- (8) Article 74 and 75 of Regulation (EU) No 167/2013 require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study¹⁸ on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval ~~and individual vehicles approvals procedures are~~ **procedure is** satisfactory, it should no longer apply. **It is suggested that the Review on EU individual vehicles approvals be kept for the Commission, as the EU individual vehicles approvals procedure will support the harmonization of the single market.**

- Recital 10

- (10) Article 78 and 80 of Regulation (EU) No 168/2013 require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study²⁰ on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval ~~and individual vehicles approvals procedures are~~ **procedure is** satisfactory, it should no longer apply. **It is suggested that the Review on EU individual vehicles approvals be kept for the Commission, as the EU individual vehicles approvals procedure will support the harmonization of the single market.**

- Article 1(2)

- (2) Regulation (EU) No 167/2013 is amended as follows:

- (a) Article 74 is deleted.

- ~~(b) Article 75 is deleted.~~

- (b) Article 75 is amended as follows:**

- “Article 75**

- Review on EU individual vehicles approvals**

- By 31 December [2025], the Commission shall submit a legislative proposal to include EU individual approval on the basis of harmonised requirements in this regulation.”.**

- Article 1(3)

- (3) Regulation (EU) No 168/2013 is amended as follows:

(a) Article 78 is deleted.

~~(b) Article 80 is deleted.~~

(b) Article 80 is amended as follows:

“Article 80

Review on EU individual vehicles approvals

By 31 December [2025], the Commission shall submit a legislative proposal to include EU individual approval on the basis of harmonised requirements in this regulation.”.