









# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2023/0090(COD)</p>	Awaiting Council's 1st reading position
<p>Approval and market surveillance of non-road mobile machinery circulating on public roads</p> <p>Amending Regulation 2019/1020 <a href="#">2017/0353(COD)</a></p> <p>Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<p> <a href="#">Internal Market and Consumer Protection</a></p> <p> <a href="#">VANDENKENDELAERE Tom</a></p> <p>Shadow rapporteur</p> <p> <a href="#">LEITÃO-MARQUES Maria-Manuel</a></p> <p> <a href="#">IJABS Ivars</a></p> <p> <a href="#">GALLÉE Malte</a></p> <p> <a href="#">MAZUREK Beata</a></p> <p> <a href="#">KONEČNÁ Kateřina</a></p>		24/05/2023
Council of the European Union European Commission	Committee for opinion	Rapporteur for opinion	Appointed
	<p> <a href="#">Environment, Public Health and Food Safety</a></p>	The committee decided not to give an opinion.	
European Economic and Social Committee	Commission DG <a href="#">Internal Market, Industry, Entrepreneurship and SMEs</a>	Commissioner BRETON Thierry	

Key events			

30/03/2023	Legislative proposal published	<a href="#">COM(2023)0178</a>	Summary
17/04/2023	Committee referral announced in Parliament, 1st reading		
28/11/2023	Vote in committee, 1st reading		
28/11/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
01/12/2023	Committee report tabled for plenary, 1st reading	<a href="#">A9-0382/2023</a>	Summary
11/12/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
13/12/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
20/03/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE759.982</a> GEDA/A/(2024)001582	
24/04/2024	Decision by Parliament, 1st reading	<a href="#">T9-0345/2024</a>	

### Technical information

Procedure reference	2023/0090(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2019/1020 <a href="#">2017/0353(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	IMCO/9/11676

### Documentation gateway

Legislative proposal	<a href="#">COM(2023)0178</a>	30/03/2023	EC	Summary
Document attached to the procedure	<a href="#">SEC(2023)0145</a>	30/03/2023	EC	
Document attached to the procedure	<a href="#">SWD(2023)0064</a>	30/03/2023	EC	
Document attached to the procedure	<a href="#">SWD(2023)0065</a>	30/03/2023	EC	
Document attached to the procedure	<a href="#">SWD(2023)0066</a>	30/03/2023	EC	
Economic and Social Committee: opinion, report	<a href="#">CES2346/2023</a>	14/06/2023	ESC	
Committee draft report	<a href="#">PE750.138</a>	28/06/2023	EP	
Amendments tabled in committee	<a href="#">PE752.780</a>	05/09/2023	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A9-0382/2023</a>	01/12/2023	EP	Summary

Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)001582	15/03/2024	CSL
Text agreed during interinstitutional negotiations	<a href="#">PE759.982</a>	15/03/2024	EP
Text adopted by Parliament, 1st reading/single reading	<a href="#">T9-0345/2024</a>	24/04/2024	EP

### Additional information

Research document	<a href="#">Briefing</a>	06/03/2024
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## Approval and market surveillance of non-road mobile machinery circulating on public roads

**PURPOSE:** to establish technical requirements, administrative requirements and harmonised procedures for the type-approval of new non-road mobile machinery circulating on public roads, as well as rules and procedures for the market surveillance of such machinery.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** non-road mobile machinery is a broad category of machinery fitted with a means for its own propulsion. These machines are regularly used in certain sectors or for specific purposes, for example they are used as construction, agricultural, garden, municipal or material handling equipment.

A number of those machines occasionally need to circulate on public roads, mostly to move from one working place to another and as a result they are placed on the Union market for that purpose, as well. However, laying down requirements, for example on safety, solely for the circulation of mobile machinery on public roads remains within the sole remit of the Member States.

In the absence of harmonised rules on the road safety of non-road mobile machinery, economic operators producing or making available on the EU market non-road mobile machinery are faced with significant costs due to the different regulatory requirements in the Member States.

Furthermore, road safety for such machinery is not ensured in a uniform manner throughout the Union. Therefore, there is a need to establish harmonised rules at EU level regarding the road safety of non-road mobile machinery.

A cost-benefit study carried out by the European Commission in 2019 showed that the establishment of uniform requirements at EU level could help the non-road mobile machinery sector to save 18-22% in compliance costs. Over a 10-year period, this proposal could generate up to EUR 846 million in savings for all stakeholders.

**CONTENT:** the proposal aims to fill a gap in EU legislation for non-road mobile machinery. It aims to:

- lay down the technical requirements for the road safety of non-road mobile machinery falling within the scope of the proposal, and the administrative provisions for the EU type approval of such machinery; and
- set the rules and procedures for the market surveillance of non-road mobile machinery that falls within the scope of EU type approval.

This Regulation applies to non-road mobile machinery where it is placed on the market and intended to circulate, with or without a driver, on a public road. It should not apply to the following:

- non-road mobile machinery with a maximum design speed exceeding 40 km/h;
- non-road mobile machinery equipped with more than three seating positions, including the drivers seating position;
- machinery primarily intended for the transport of one or more persons or animals;
- vehicles, including motor vehicles, tractors, trailers, two-wheel or three-wheel vehicles, quadricycles and interchangeable towed equipment, falling within the scope of Regulation (EU) No 167/2013, Regulation (EU) No 168/2013 or Regulation (EU) 2018/858.

All types of new personal mobility devices (stand-up and seated e-scooters, electrically assisted pedal cycles including electrically power assisted cycles and those intended for carrying commercial cargo, self-balancing vehicles including self-balancing personal transporters and hoverboards, electric unicycles, electric skateboards and One-wheel boards, among others) will therefore not be subject to this Regulation.

The proposal follows the logic, with some adaptations, of the well-established framework for the type-approval of motor vehicles and agricultural and forestry vehicles, in order to ensure maximum consistency with existing vehicle legislation. As regards market surveillance, the proposal follows similar provisions to those in Regulation (EU) 2018/858, which are also based on the 'New Legislative Framework'.

More specifically, the proposal:

- set outs the obligations of Member States, approval authorities and economic operators (manufacturers, manufacturers representative, importers and distributors). In particular, it obliges Members States: (i) to permit the placing on the market, registration or entry into service of only nonroad mobile machinery that satisfies the requirements set out in the proposal; and (ii) to organise and carry out market surveillance activities and checks of non-road mobile machinery entering the market. Manufacturers are obliged to ensure that only compliant non-road machinery is placed on the market;
- lists the technical requirements for the road safety of non-road mobile machinery. The Commission is empowered to adopt delegated acts to specify the detailed technical requirements, procedures and tests;

- includes a general provision, requiring that non-road mobile machinery is made available, put into service or registered only if it is in conformity;
- includes provisions on the EU type-approval procedure and related issues such as the EU type-approval certificate, the certificate of conformity and marking;
- contains provisions on EU market surveillance, checks of non-road machinery entering the EU market, and EU safeguard procedures;
- provides that the manufacturer is obliged to provide technical information that does not diverge from the particulars approved by the approval authority;
- lays down the requirements relating to technical services and the procedures for designating such services;
- introduces a Forum for Exchange of Information on Enforcement to aid national authorities in applying and enforcing the requirements of this Regulation in a uniform manner across the Union. This ensures a level playing field and avoids divergent practices being applied across the Union.

## Approval and market surveillance of non-road mobile machinery circulating on public roads

The Committee on the Internal Market and Consumer Protection adopted the report by Tom VANDENKENDELAERE (EPP, BE) on the 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.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

### Clearer scope

Members consider that the draft Regulation should not apply to:

- non-road mobile machinery equipped with more than three seating positions when circulating on public roads, including the drivers seating position;
- non-road mobile machinery intended by the manufacturer to carry out field tests, which are inherent to the machine development process.

As regards non-road mobile machinery under individual approval, the manufacturer may, where appropriate, choose to apply for EU type-approval.

### Definitions

The proposal called for a wider definition of a type and variant. The report proposes to make the definition of a non-road mobile machinery type and a variant less strict, in order to allow for more flexibility to accommodate for small volumes and for the manufacturer to have more very similar machines EU type-approved under the same type or variant.

### Obligations of Member States

Member States should ensure that their approval and market surveillance authorities have the necessary resources for the proper performance of their duties. By way of derogation, Member States may limit or prohibit the circulation on public roads of non-road mobile machinery due to its excessive weight or masses, axle loads and ground contact pressure, the machinery could damage the surface of public roads or other road infrastructure, unless, in order to limit or prohibit circulation on public roads, one of these parameters is below the threshold established by Member States.

### Specific obligations of manufacturers

Manufacturers who have sufficient reason to believe that type-approved non-road mobile machinery which they have made available on the market is not in conformity with this Regulation should immediately take the corrective measures necessary to bring that non-road mobile machinery into conformity, to withdraw it or to recall it, as appropriate, and to notify the user of that non-conformity.

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

### Technical requirements for non-road mobile machinery

The Commission is empowered to adopt delegated acts concerning detailed, non-discriminatory rules on the requirements related to risks for circulation on public roads. Members included the following elements:

- masses, including technically permissible maximum laden mass on road;
- on-road warnings and markings for lighting and lighting installations.

Transparency				
VANDENKENDELAERE Tom	Rapporteur	IMCO	26/04/2024	CECE - Committee for European Construction Equipment
VANDENKENDELAERE Tom	Rapporteur	IMCO	22/11/2023	Belgian Mission to the EU

VANDENKENDELAERE Tom	Rapporteur	IMCO	18/09/2023	CECE - Committee for European Construction Equipment
VANDENKENDELAERE Tom	Rapporteur	IMCO	20/07/2023	AVR
VANDENKENDELAERE Tom	Rapporteur	IMCO	14/06/2023	CEMA - European Agricultural Machinery Industry Association
VANDENKENDELAERE Tom	Rapporteur	IMCO	13/06/2023	AGORIA