

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

2023/0090(COD) - 30/03/2023 - Legislative proposal

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 driver's 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, manufacturer's representative, importers and distributors). In particular, it obliges Member 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.