

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

2023/0090(COD) - 01/12/2023 - Committee report tabled for plenary, 1st reading/single reading

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 driver's 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.