

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

2023/0090(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 582 votes 10, with 3 abstentions, a legislative resolution 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 European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

## *Subject matter and scope*

This Regulation lays down technical requirements, administrative requirements and procedures, for the EU type-approval and EU individual approval, and placing on the market of all **new non-road mobile machinery intended to circulate on public roads**. It also lays down rules and procedures for the market surveillance of the non-road mobile machinery.

It applies to non-road mobile machinery ('U-category vehicles') where it is placed on the market and intended to circulate, whether occasionally or regularly, with or without a driver, on a public road.

The objective of this Regulation is to address the risks associated with the intended circulation of non-road mobile machinery on public roads. Thus, non-road mobile machinery that, in practice, is not intended to circulate on public roads should be excluded from the scope of this Regulation. It should not apply to mobile machinery with a maximum design speed **not exceeding 6 km/h or exceeding 40 km/h**.

This Regulation should cover only non-road mobile machinery intended for circulation on public roads and that is placed on the Union market from the date of application of this Regulation and is either new non-road mobile machinery produced by a manufacturer established in the Union or non-road mobile machinery, whether new or second-hand, imported from a third country. It should apply to non-road mobile machinery intended to circulate on public roads irrespective of its propulsion system and, therefore, should also apply to electric and hybrid machinery.

## *Specific cases*

For the following non-road mobile machinery, the manufacturer may decide to apply for the EU type-approval, the EU individual approval or to comply with the relevant national legislation, where appropriate:

- (a) non-road mobile machinery where the number of units per type does not exceed 70 per year and in each Member State;
- (b) prototypes of non-road mobile machinery used on the road under the responsibility of the manufacturer to carry out specific development test programmes or field tests, if they have been specifically designed and constructed for that purpose;
- (c) non-road mobile machinery designed and constructed for use principally in quarries, port or airport facilities;

(d) vehicles designed and constructed or adapted for use by civil protection, fire services and forces responsible for maintaining public order.

### ***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.

Member States may **limit or prohibit** the circulation on public roads or the registration of non-road mobile machinery that have been approved in accordance with this Regulation, which satisfies the following criteria:

- (a) due to its excessive dimensions, the machinery would not allow for sufficient manoeuvrability on public roads;
- (b) due to its excessive masses, axle loads or ground contact pressure, the machinery could damage the surface of public roads or other road infrastructure;
- (c) due to its fully automated, or remotely operated, driving system for on-road use, it is subject to restrictions in the national traffic law.

### ***Obligations of approval authorities***

For the purpose of enabling market surveillance authorities to carry out checks, approval authorities should make available to market surveillance authorities the necessary information related to the type-approval of the non-road mobile machinery that is subject to compliance verification checks. Approval authorities should provide that information to the market surveillance authorities without undue delay.

### ***General obligations of manufacturers***

Manufacturers should ensure that their non-road mobile machinery is not designed to incorporate strategies or other means that alter the performance exhibited during test procedures in such a way that they do not comply with this Regulation when operating under conditions that can reasonably be expected in normal operation.

### ***Application for EU type-approval***

The manufacturer or its representatives should submit to the approval authority an application for EU type-approval and the information folder. In the case where the manufacturer is established outside the Union, that manufacturer should appoint a single representative **established within the Union** to represent him or her before the approval authority. In the case where the manufacturer is established inside the EU, that manufacturer may appoint such a representative.

### ***Non-compliant EU type-approval***

Where an approval authority finds that a type-approval that has been granted does not comply with this Regulation, it should refuse to recognise that approval. The approval authority should notify its refusal to the approval authority that granted the EU type-approval, to the approval authorities of the other Member States, and to the Commission. Where within one month after the notification, the non-compliance of the type-approval is confirmed by the approval authority that granted the EU type-approval, that approval authority should withdraw the type-approval.