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## **EUROMOT POSITION**

**30 March 2015**



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### **Potential amendment for COM(2014) 581 to ensure National type approval of non-road machinery shall not be refused on grounds related to exhaust emissions where the machine is fitted with an engine in conformity with EU regulation.**

Recital 20 of COM(2014) 581 makes clear that *‘Engines which are in compliance with and covered by the scope of the new rules on emission limits and EU type-approval procedures should be permitted to be placed on the market in the Member States; those engines should not be subject to any other national emission requirement.’* This principle is a foundation of the regulation.

However, contrary to this foundation principle the corresponding text of the regulation does not seem to prevent a Member State refusing to permit National type approval for a non-road mobile machine (NRMM) on grounds related to exhaust emissions where the machine is fitted with an engine in conformity with EU regulation.

The aim of this proposal is to provide legislative certainty by explicitly requiring that Member States do not refuse National type approval of an NRMM in these circumstances.

*(Amendment proposal in detail provided on the next page)*

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**EUROMOT – 2015-03-30**

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**ENGINE IN SOCIETY**

A European Interest Representative (EU Transparency Register Id. No. 6284937371-73)

A Non Governmental Organisation in observer status with the UN Economic Commission for Europe (UNECE) and the UN International Maritime Organisation (IMO)

## Amendment Proposal

Insert new paragraph 4a in Article 5.

CHAPTER I, *SUBJECT MATTER, SCOPE AND DEFINITIONS*, Article 5, Obligations of Member States

*Text proposed by the Commission*

*Amendment*

...

...

- 4a. Member States shall not refuse to grant any national type approval of machinery in which an engine is installed, on grounds related to the aspects of their exhaust emissions performance, if the engine installed satisfies the requirements of this Regulation.

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### *Justification*

*To guarantee that no limitation of use of non-road mobile machinery fitted with engines in conformity with this Regulation is imposed by Member States based on national – non EU-harmonised - legislation on grounds of exhaust emissions performance. (e.g. road circulation.) This is consistent with the foundation principle of recital 20 of COM(2014) 581 and also art. 9.1 of Directive 97/68/EC.*

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