



Brussels, 31 July 2023

## CECE Position Paper

### *EC proposal for a Regulation on the approval and market surveillance of non-road mobile machinery circulating on public roads*

CECE is pleased to express its support for the European Commission's (EC) proposal for a Regulation on the approval and market surveillance of non-road mobile machinery (NRMM) circulating on public roads.

CECE firmly believes that the proposed regulation represents a significant milestone for the industry in closing the existing gap in the single market. By establishing a harmonised framework for non-road mobile machinery operating on public roads, this legislation has the potential to streamline regulatory processes, ensuring safer products circulating on public roads and a more efficient market across Europe. Such harmonisation is crucial for the industry's growth, because it reduces market barriers and facilitates the free movement of goods and services.

One of the key benefits of this Regulation, as acknowledged by CECE, lies in its ability to eliminate unnecessary costs, and alleviate the disproportionate administrative burden imposed on mobile machinery manufacturers. This will not only enable manufacturers to operate more efficiently but will also encourage innovation and competitiveness within the industry.

CECE acknowledges and appreciates the considerable efforts made by the European Commission in the development of the first draft of the proposed regulation. This initial draft represents a step in the right direction towards achieving the desired objectives. However, CECE, with this position paper, would also like to draw attention to certain critical aspects that require further evaluation to prevent any potential market distortions or ambiguities.

CECE looks forward to actively engaging with the EU institutions and other relevant stakeholders to address these points and contribute to the development of a robust and effective regulatory framework.

## 1. Clarifying the Scope: Focusing on Type-Approval and Circulation of Non-Road Mobile Machinery on Public Roads

CECE strongly advocates clarifying the scope of the proposed regulation to only focus on the type-approval process and circulation of non-road mobile machinery on public roads, while avoiding any duplication of requirements already covered by existing EU harmonised legislation.

CECE believes that it is crucial to highlight that the text of this legislation should not regulate the entry into service, making available, or placing of products on the single market. These concepts are in fact already addressed by existing EU-harmonised legislation, such as the Machinery Directive<sup>1</sup>. The focus of this regulation should solely be on the circulation of non-road mobile machinery on public roads.

It is important to note that not all NRMM necessarily requires circulation on public roads, but it can be advantageous for certain machine users as it eliminates the need for external transportation when moving machines across roads or between sites. NRMMs without type approval can still be transported by specialized vehicles. Therefore, the absence of EU type approval does not automatically restrict placing machinery on the market, as safety-related legislation already regulates this aspect. It is important to emphasize that this legislation focuses solely on the circulation of NRMM on public roads and should not be misconstrued as a safety-related measure. Lack of EU type approval may be due to various reasons, including a manufacturer's lack of interest in seeking such approval.

In practical terms, there may be cases where users purchase products for large-scale job sites that do not require road circulation throughout their entire lifespan. In such situations, EU type approval is irrelevant to the user as long as the machines comply with EU harmonised legislation (e.g., the Machinery Directive) and meet market requirements. Conversely, machines used across multiple nearby job sites can benefit from their ability to circulate on public roads, as it enables easy movement without the need for loading onto alternative transportation means.

In conclusion, it is crucial to maintain the focus of this regulation on the road circulation aspects of NRMM. Imposing restrictions on the market placement of machines solely based on their lack of permission to circulate on public roads would deviate from the regulation's scope and create a distortion within the legislative framework.

To achieve this, CECE suggests either **avoiding** certain wording (i.e., *entry into service, make available/place on the market*) or **rephrasing** (e.g., adding *for circulation on public roads*) within the regulation to ensure clarity and prevent potential legal ambiguity concerning non-road mobile machinery that is not intended for circulation on public roads.

Below is a non-exhaustive list of different examples of such references in the text and our proposed amendments:

Article 1(1)	<i>This Regulation lays down technical requirements [...] for the EU type-approval <del>and placing on the market</del> of non-road mobile machinery intended to circulate on public roads.</i>
Article 2(1)	<i>This Regulation applies to non-road mobile machinery where it is <del>placed on the market and</del> intended to circulate, with or without a driver, on a public road.</i>
Article 4(6)	<i>Member States shall organise and carry out market surveillance activities and controls of non-road mobile machinery <del>entering the</del></i>

<sup>1</sup> On June 29, 2023, the new EU Machinery Regulation 2023/1230 was published in the EU Official Journal, repealing Council Directive 73/361/EEC and Directive 2006/42/EC (Machinery Directive). It came into force on July 19, 2023, and most of its provisions will become applicable on January 20, 2027.

	<del>market</del> <i>circulating on public roads</i> in accordance with Chapters IV, V and VII of Regulation (EU) 2019/1020.
Article 6(1)	<i>Manufacturers shall ensure that non-road mobile machinery that they place on the market <i>for circulation on public roads</i> belongs to a type that has been granted an EU type-approval [...].</i>

A similar approach needs to be applied when the proposed regulation refers to “serious risk(s)” posed by non-road mobile machinery (NRMM). It is crucial to specify that the identified risks are only to be associated with the circulation of NRMM on public roads since generic safety-related concerns are already addressed by other legislation, such as the Machinery Directive. By making this distinction, the regulation can effectively focus on mitigating risks specific to the use of NRMM on public roads without risking misinterpretation. Examples include Article 7(2), 8(c), 10(3), 12(3), 19 etc.

By way of example, Article 8(c) should read as follows:

Article 8(c)	<i>[...] cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the serious risk <i>related to the circulation on public roads</i> posed by non-road mobile machinery covered by their mandate.</i>
--------------	---

Finally, CECE would like to reiterate the importance of including certain towed equipment in the scope of the Regulation. Currently, there is a lack of harmonised technical requirements for road safety pertaining to certain towed equipment. Although Regulation (EU) 167/2013 covers agricultural towed equipment under vehicle category S, it is limited to agricultural or forestry applications and designed for towing by an agricultural tractor, therefore excluding many types of towed equipment. Additionally, certain towed equipment cannot be classified as category O trailers according to Regulation (EU) 2018/858 article 4(c), which defines trailers as non-self-propelled vehicles designed to be towed by a motor vehicle. The lack of specified categories for maximum design speed within category O and the fact that they are designed for different purposes further render it inadequate for covering certain towed equipment. Therefore, this legislation should establish harmonised technical requirements for those remaining towed equipment, bridging the regulatory gap and ensuring consistency for all NRMM.

To achieve this, CECE would like to stress, once again, the importance of keeping towed equipment within the scope of this legislation and therefore in the definition of NRMM (Article 3(1)), besides self-propelled mobile machinery.

## 2. Individual approvals, small series and national approval

CECE would like to review the options for individual and small series approval.

Regarding individual approvals, CECE primarily advocates for their inclusion in the scope of the EU regulation, similar to the provisions for EU individual vehicle approval (EU-IVA) in Regulation (EU) 2018/858. Although Article 2(2) explicitly excludes EU individual approval, Recital 21 grants the European Commission the authority to propose an exclusive legislative proposal to address individual approval at the EU level.

*‘The Commission should report to the European Parliament and the Council on the operation of this Regulation and, based on information provided by Member States, reconsider, if needed, the question of whether to submit an exclusive legislative proposal for the harmonisation of the individual approval system at Union level or extend the transitional period for the national type-approval.’*

CECE would like to emphasize that implementing an individual approval approach at the EU level could be advantageous. It would establish a common EU approach that allows for the free circulation of individually approved machines without requiring proof of conformity of production.

In the event that the proposal for including individual approvals in the EU regulation is unattainable, CECE believes that the text of the regulation should be improved to ensure a clear understanding of the applicable rules for these items. CECE suggests that this also applies to small series regardless of the decision made regarding individual approvals (i.e. inclusion in the scope or improvement of the text).

Specifically, CECE understands that individual approvals and small series (currently available at national level only in some EU member states) will still be usable even after the 8-year transitional period as long as Member States retain the option in their national legislation. Manufacturers have the choice of applying the new legislation (and benefiting from EU free movement) or continuing to seek national approval. Since individual approvals and small series are not dealt with by this legislation, they should not be subject to the transitional period.

If the CECE understanding is correct, we therefore believe the proposed text of the regulation should clearly reflect that, while the EU type approval would not consider the chance to apply for small series and individual type approvals, those options remain available at the national level and will not be voided even after the 8-year transition period.

### 3. Definitions (Article 3)

- **‘Non-road mobile machinery’: Art. 3(1)**

The definition of "non-road mobile machinery," provided in Art. 3(1), refers to “any self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC, designed or constructed with the purpose to perform work”. In our view, this definition is too broad and might lead to misinterpretations.

While acknowledging that the definition aims to distinguish non-road mobile machinery from vehicles already covered by EU type-approval legislation, we believe that the concept of "work" is redundant as it is already inherent in the definition provided by the Machinery Directive. Specifically, the Machinery Directive provides a comprehensive definition of a machine as *an assembly, fitted with or intended to be fitted with a drive system other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for a specific application*. The “specific application” encompasses the machine's functions, which are identified in the instructions.

The work aspect is, therefore, redundant within the proposed definition of NRMM in the regulatory framework. Providing a divergent definition runs the risk of creating confusion. We thus recommend aligning the NRMM definition with the existing Machinery Directive’s one to avoid ambiguity and ensure consistency.

It is also important to note the introduction of the notion that non-road mobile machinery (NRMM), according to Recital 1, can now circulate both frequently and occasionally on public roads. To provide clarity and ensure consistency, it is also suggested that the provision of Recital 1 be incorporated into the definition of NRMM itself while deleting the concept of "work."

As such, the new definition for NRMM in Article 3(1) would read as follows:

Article 3(1)	<i>'non-road mobile machinery' means any self-propelled mobile machinery falling within the scope of Directive 2006/42/EC <del>that is designed or constructed with the purpose to perform work;</del> that might need, whether occasionally or often, to circulate on public roads, mostly to move from one working place to another.</i>
--------------	--

For the same reasons mentioned above and to ensure consistency, Recital 1 should also be revised to exclude the element of performing work. The text would consequently read as follows:

Recital 1	<i>'non-road mobile machinery' means any self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC of the European Parliament and of the Council, <del>that is designed or constructed with the purpose to perform work</del> might need, whether occasionally or often, to circulate on public roads, mostly to move from one working place to another.</i>
-----------	--

- **'Recall': Art. 3(30)**

CECE proposes to clarify that *recall* should only relate to the circulation on public-roads in order to limit the scope only to the purpose of this Regulation. This revision would ensure that machines not specifically designed for public road use can still be *made available to end users*.

In light of this, CECE suggests the following wording change:

Article 3(30)	<i>'recall' means any measure aimed at achieving the return of non-road mobile machinery that has already been <del>made available to the end-user</del> granted approval to circulate on public roads.</i>
---------------	---

- **'Withdrawal': Art. 3(31)**

CECE recommends a more precise definition of *withdrawal* within the Regulation to ensure that its scope is limited to non-road mobile machinery intended for public road circulation. This modification would ensure that machines not specifically designed for public road use can still be *made available on the market*.

Accordingly, CECE proposes the following wording adjustment:

Article 3(31)	<i>'withdrawal' means any measure aimed at preventing non-road mobile machinery in the supply chain from <del>being made available on the market</del> circulating on public roads.</i>
---------------	---

## 4. Specific obligations of manufacturers (Article 7)

- **Article 7(1)**

CECE acknowledges the need for clarity and suggests a revision of the phrasing in Article 7(1). The current requirement imposes that manufacturers take immediate corrective measures, withdraw, or recall non-road mobile machinery if they believe it does not comply with the regulation.

It is important to consider the practical implications of a provision formulated as such. Firstly, it should be specified that the machines here considered are type approved, so we propose this addition in the text (as below).

Secondly, if the NRMM is considered to not conform to this regulation, the user, while surely no longer able to utilise the machine for circulation on public roads, should still be granted the opportunity to use it for other work purposes. Imposing a complete withdrawal (or recall) of the machine from the market would not only restrict its usage on public roads but also hinder its availability for other productive activities as a consequence of such a complete withdrawal of the machine.

Therefore, we recommend revisiting the phrasing of Article 7(1) to ensure an approach that maintains usability while promoting compliance with the regulation. The text would read as follows:

Article 7(1)	<i>Manufacturers who have sufficient reason to believe that a <b>type-approved non-road mobile machinery</b> which they have made available <b>for circulation on public roads</b> <del>on the market</del> is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that non-road mobile machinery into conformity, <del>to withdraw it or to recall it, as appropriate</del> <b>and notify the user that the type-approval is no longer valid.</b></i>
--------------	---

- **Article 7(4)**

CECE would highlight some concerns raised by its members regarding the provision outlined in Article 7(4) of the regulation. The requirement for manufacturers to provide a translated copy of the EU type-approval certificate to national authorities upon reasoned request has been identified as particularly challenging and raises questions about the power (authority) for a manufacturer to translate a type-approval issued by a type-approval authority in a specific language.

In light of this, CECE urges clarification of this provision on whether type-approval certificates should

- only be provided in the language in which the issuing authority is based, or
- a translation be required by the manufacturer to the issuing authority, or
- the manufacturer should provide a non-official translation of the certificate issued by the approval authority, and, in this case, whether the approval authority should be notified.

This is to ensure manufacturers have a clear understanding of their obligations and the expectations of national authorities.

- **Article 7(5)**

The provision outlined in Article 7(5) of the regulation requires manufacturers to inform their distributors and importers in the event of a substantiated complaint.

CECE seeks clarification regarding the scope of this requirement and emphasises the potential burden it may impose on manufacturers if end-user complaints are also to be reported, as well as how to evaluate whether a complaint is to be considered substantiated. CECE believes it is necessary to carefully evaluate the feasibility and practicality of including end-users in the complaint process, as it could place undue strain on manufacturers.

Therefore, CECE seeks further clarification on the intended approach and suggests considering alternative mechanisms to streamline the complaint handling process.



## 5. Obligations of manufacturer's representatives (Article 8)

CECE recommends maintaining coherence with the new legal framework by removing the reference to "market surveillance" from the title of Article 8 and its first line. Also, to ensure alignment with the New Legislative Framework, CECE proposes granting manufacturers the flexibility to assign additional responsibilities to their representatives beyond the minimum requirements outlined in this legislation, recommending the inclusion of the wording *-at least*.

Moreover, since the regulation specifically addresses the circulation of non-road mobile machinery on public roads, we propose adding the phrase "approved under this regulation" to Article 8(c) and an explicit reference that the *serious risk* is related to the circulation.

Article 8 would read as follows:

Article 8: Obligations of manufacturer's representatives concerning market surveillance	<i>The manufacturer's representative <del>for market surveillance</del> shall perform the tasks specified in the mandate received from the manufacturer. That mandate shall allow a representative to do <b>at least</b> the following:</i> <ul style="list-style-type: none"><li><i>a) have access to the information folder referred to in Article 18 and the certificates of conformity;</i></li><li><i>b) following a reasoned request from an approval authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of production of a non-road mobile machinery <b>approved under this regulation</b>;</i></li><li><i>c) cooperate with the approval or market surveillance authorities, at their request, on any action taken to eliminate the <del>serious risk</del> <b>road-circulation-rated risks</b> posed by non-road mobile machinery covered by their mandate.</i></li></ul>
---	--

This modification will help clarify the scope and ensure consistency within the new legal framework.

A similar approach needs to be taken when revising Article 3(13) that provides the definition of 'manufacturer's representative ~~for market surveillance~~'.

## 6. Technical requirements for non-road mobile machinery (Article 15)

In light of the new Machinery Regulation, CECE would like to stress that to eliminate redundancies, and ensure clarity and coherence in the requirements for conformity assessment and declaration of non-road mobile machinery, actions need to be taken regarding certain items of Article 15 on the technical requirements for non-road mobile machinery.

Specifically, given that the following items are already covered by provisions of the new regulation, we suggest either deleting them from the list included in Article 15(2) or addressing them exclusively via the Machinery Regulation Declaration of Conformity:

- (l) heating systems, defrost and demist;
- (n) statutory plate and marking;
- (q) fuel tanks;
- (r) tyres;
- (s) reverse gear;
- (t) tracks;

(v) driver and other occupants' seating positions and restrain systems;

CECE emphasizes the need to differentiate between machines and vehicles within the scope of the proposed regulation. It is crucial to revise Article 15(2)(a) as well as the other parts of the regulation to replace "vehicles" with "machines," aligning it with the intended focus. Additionally, in Article 15(2)(j), it is essential to clarify that working on public roads should not be deemed equivalent to traveling on public roads. A clear distinction should be made between these activities to avoid any confusion or misinterpretation.

CECE supports the inclusion of the item "field of vision" in Article 15(2)(e) of the proposed Regulation, while hoping that the valuable work conducted by the ITF in 2019 will be duly acknowledged and considered when drafting the technical requirements. Similar support for the item's inclusion is given to Article 15(2)(w) of the operator's manual for road use, as long as the proposed regulation allows for the option of digital documentation, which can be used in conjunction with the manual requirements mandated by the Machinery Regulation (MR). Such coherence with the provisions of the MR also needs to be ensured in the requirements for on-road information, warnings, and markings (Article(2)(y)).

CECE also requests to consider providing further clarification regarding item (s) in Article 15(2), specifically concerning the term "reverse gear." It is worth noting that the term "gear" may not adequately encompass all the different mechanisms, such as hydraulic, electric, hydrostatic, and others. CECE suggests reviewing the terminology used in this context to ensure a more accurate description.

Finally, to ensure coherence with Article 4(5), "*Obligations of Member States*," we suggest changing in the last paragraph of Article 15(2) the verb "shall" with *-may*. So that, the text should read as follows:

Article 15(2)	<i>The delegated acts referred to in the first subparagraph <del>shall</del> <b>may</b> specify the classes or categories concerned by the detailed rules and may provide different detailed rules for different classes or categories of non-road mobile machinery.</i>
---------------	--

## 7. Information intended for users (Article 34)

CECE acknowledges the importance of Article 34 in the regulation but recognises the need to clarify certain aspects as well as incorporate some amendments to enhance clarity and effectiveness.

- **Article 34(2)**

CECE would appreciate some clarity concerning the second paragraph of Article 34. Specifically, it is stated that:

*The manufacturer shall make available to users all relevant information and necessary instructions describing any conditions or restrictions linked to the use of a non-road mobile machinery.*

It is crucial to clarify whether these conditions and restrictions should be determined by the approval authorities or by the manufacturers themselves. CECE recognizes that it may be challenging for manufacturers to anticipate and account for all potential restrictions imposed by different member states. These restrictions are subject to change and can vary from country to country.

Therefore, clarification is necessary to ensure manufacturers have clear guidelines on their responsibilities to provide accurate and up-to-date information to users regarding any usage limitations or conditions associated with the non-road mobile machinery.



- **Article 34(3)**

Additionally, the third paragraph imposes that the information should be provided in the operator's manual for road use.

CECE supports the utilisation of *operator's instructions* instead of operator's manuals for road use throughout the regulation, including Article 15 and 34(4). CECE believes that operator's instructions required under current EU harmonised legislation can adequately provide the necessary information without the need for duplication. Requiring a specific additional manual for road use would impose unnecessary burdens on manufacturers, as several pieces of information are shared. By utilising the operator's instructions as the primary source of information, manufacturers can streamline their processes and reduce administrative complexities.

- **Article 34(4)(a)**

The fourth paragraph states that the operator's manual for road use should be made available in the official languages of the Member State where the non-road mobile machinery is placed on the market, registered, or entered into service.

CECE highlights the potential issues that may arise if, for instance, the location where the machine is placed on the market differs from where it is registered or entered into service. This misalignment can create practical challenges and hinder compliance with the regulation. In light of this concern, CECE would ask for clarification on the intention of the legislator.

## 8. Committee procedure (Article 46)

Article 46 of the regulation currently states that "*The Commission shall be assisted by the 'Technical Committee – Agricultural Vehicles' (TC-AV)*".

CECE strongly advocates for the establishment of a dedicated committee with representation from all sectors, including the construction one. The current composition of the TC-AV does not adequately represent the construction sector's interests and concerns. By including experts from the construction sector, a more balanced and comprehensive decision-making process can be achieved.

## 9. Establishment of 'the forum' (Article 49)

CECE expresses its support for the establishment of the Forum for Exchange of Information on Enforcement, aimed at promoting consistent interpretation and implementation of the Regulation.

We strongly advocate for active involvement of industry representatives in the Forum's activities, allowing us to effectively contribute.

## 10. Transitional provisions (Article 52)

CECE welcomes the provision in the proposed Regulation granting Member States the authority to enforce national legislation for national type-approval of non-road mobile machinery for 8 years from the application date.

We understand that manufacturers have the option to seek EU type-approval (benefitting from the free movement) or adhere to applicable national legislation during this period. However, CECE

recommends a clearer articulation that NRMM that require individual approvals or are produced in small series can continue to comply with national legislation beyond the 8-year timeframe.

In our pursuit of clarity and effective implementation, CECE recommends a more explicit articulation with regards to NRMM that necessitate individual approvals or those produced in small series. To this end, we propose the addition of a specific recital in the Regulation, clearly stating that manufacturers producing small series of NRMM and seeking individual type-approval should be allowed the option to continue complying with the applicable national legislation beyond the 8-year transitional timeframe.

## 11. Entry into force and application (Article 53)

To ensure flexibility in the application of the regulation, CECE suggests the inclusion of a paragraph in Article 53, aimed at allowing manufacturers to benefit from EU-type approval and the associated free movement of their products as soon as possible, immediately after the regulation comes into force, but before its official application day.

To accommodate this flexibility, we suggest adding to Article 53 the following:

Article 53	<i>From [date of entry into force], national authorities shall not refuse to grant EU type-approval or national type-approval or prohibit registration or circulation on public roads for a new type of non-road mobile machinery when complying with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.</i>
------------	---

## 12. General clarifications

CECE is committed to seeking clarifications on several key matters, including some provisions outlined in Article 2(2); Article 4(5); Article 10(5); Article 20(1); Article 20(7); Article 21(3)(c); Article 21(4); Article 21(6); Article 22(2); Article 26(3); Article 26(7); Article 28(2); Article 2(2)(b); and end-of series.

- **Article 2(2)(b)**

CECE emphasises the need for clarification regarding the term "seating positions" as mentioned in Article 2(2)(b) of the proposed regulation. It is crucial to define the specific meaning of "seating positions" in the context of non-road mobile machinery when travelling on public roads and to provide clarity on the (maximum) number of occupants allowed.

This clarification will ensure a common understanding and consistent interpretation of the regulation among manufacturers, authorities, and stakeholders.

- **Article 4(5)**

CECE requests further clarity on the scope of this provision and whether it is intended to establish any thresholds.

*'The Commission is empowered to adopt delegated acts in accordance with Article 47 to supplement this Regulation establishing the thresholds values, including for the machinery's maximum road laden mass, beyond which the non-road mobile machinery's dimensions, weight and masses are considered*

*as excessive in the meaning of point (a) and (b) of the first subparagraph. These delegated acts may establish the categories or classes of non-road machinery concerned.'*

Obtaining a clearer understanding of these aspects will contribute to a more comprehensive interpretation and implementation of the regulation.

- **Article 10(5)**

According to Article 10(5), *5 importers shall, following a reasoned request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a non-road mobile machinery in a language which can be easily understood by that authority [...].*

CECE requests additional information to enhance understanding on the process through which manufacturers can effectively demonstrate proof of type approval in a language that can be readily understood by the requesting authority. Unless the approval authority is prepared to issue a type-approval certificate in all 27 official languages, CECE proposes two potential solutions to address this issue. The first recommendation is the removal of this paragraph entirely, thereby alleviating the burden on manufacturers. Alternatively, the requirement could be revised to specify that the proof of type approval must be presented in the language issued by the type-approval authority. Such measures are imperative in mitigating the formidable challenges confronted by manufacturers in meeting this linguistic obligation.

Such revisions would alleviate the significant challenges faced by manufacturers in meeting this linguistic requirement.

- **Article 20(1)**

CECE emphasises the importance of elucidation regarding Article 20(1) of the proposed regulation, which states that *'the EU type approval certificate should be amended by the approval authority when the relevant EU type approval is amended'*. CECE seeks clarification on whether the term "amended" in this context needs to be rather read as the relevant EU type approval being *extended*.

Clarification on this matter would ensure a consistent and comprehensive understanding of the regulation and its implications for manufacturers.

- **Article 20(7)**

Article 20(7) of the proposed regulation states that *the approval authority should establish a list of applicable requirements or acts and append it to the EU type-approval certificate [...].*

CECE raises a concern that this formulation may contradict the objective of harmonization, as the regulation aims to prevent Member States from having non-harmonised requirements. Therefore, CECE requests clarification on how this provision aligns with the overarching goal of avoiding non-harmonised requirements across Member States. Clear guidance on this matter will ensure consistency and coherence in the implementation of the regulation.

- **Article 21(3)(c)**

Article 21(3)(c) of the regulation mentions that "testing carried out by the manufacturer under the supervision of a technical service designated to perform such activity, other than an accredited in-house technical service".

CECE would appreciate clarity on whether the aforementioned test reports should be issued by the manufacturer or the approval body, and, in case it is the latter, confirmation that the manufacturer is only responsible for providing the approval body with machines and drivers.

- **Article 21(4)**

CECE requests additional information to enhance understanding regarding the provisions outlined in Article 21(4) of the proposal and presents two potential solutions for consideration. Specifically, the text reads:

*'For the EU-type approval of non-road mobile machinery, components or separate technical unit which are type-approved in accordance with the procedures and requirements set out in Regulation (EU) 167/2013 or Regulation (EU) 2018/858 shall be accepted, if they are correctly installed and integrated into the non-road mobile machinery and do not affect the conformity of that machinery with the applicable technical requirements.'*

CECE suggests either the deletion of this paragraph, as components and separate technical units are not within the scope of this regulation; alternatively, if the paragraph is to be retained, CECE recommends ensuring comprehensiveness by including a clear reference to Regulation 2016/1628 as well as to relevant *systems* (besides the cited components and separate technical units). This approach would provide a more comprehensive and aligned framework within the regulation. Clarification on these matters would contribute to the overall clarity and effectiveness of the regulatory framework.

- **Article 21(6)**

Art. 21 in its paragraph 6 provides that "*the applicant for EU type approval must provide the approval authority with the necessary number of non-road mobile machinery as determined by the relevant delegated acts.*"

CECE would like to understand whether the intention of the legislator is to have the delegated acts establish the exact number of machinery units to be submitted to the authorities. If this is the case, we are unsure how the manufacturer will be knowledgeable upfront about the number of products their clients will need to use on public roads.

- **Article 22(2)**

CECE would also appreciate greater clarity on the meaning and reasoning behind the formulation of Article 22(2), particularly on the part mentioning "*a sufficient number of samples of certificates*".

- **Article 26(3)**

In order to ensure clarity and precision, CECE proposes the following revision for Article 26(3) of the proposed regulation:

Article 26(3)	Where <del>only one</del> <b>not all</b> variant within a type or <del>one</del> <b>not all</b> version within a variant is affected, the EU type-approval of the non-road mobile machinery in question shall become invalid only in so far as the particular <b>variants</b> or <b>versions</b> <del>is</del> <b>are</b> concerned.
---------------	--

- **Article 26(7)**

CECE advocates for a revision of the wording in Art. 26(7) of the proposed regulation. Instead of requiring the *vehicle identification number* (VIN) of the last non-road mobile machinery produced, CECE suggests that the legislation should stipulate the use of a unique identification number, which would allow both the VIN and PIN (Product Identification Number) already in use.

This change would align the regulation with industry practices while promoting consistency and clarity in the implementation of the legislation.

- **Article 28(2)**

CECE recommends ensuring flexibility in Article 28(2) of the proposed regulation regarding the statutory plate and its marking. The article specifies that:

*‘The statutory plate with the marking shall be in accordance with the model set out by the Commission by means of implementing acts. [...]’.*

CECE specifically suggests that it should be allowed the option of either creating a separate plate specifically for the additional information or embedding the required information on an existing statutory plate. This flexibility would enable manufacturers to choose the most suitable approach based on their specific circumstances and existing practices. It would promote efficiency and minimize any unnecessary burden on manufacturers while ensuring compliance with the regulation’s requirements for clear and accurate information display.

- **End-of-series**

CECE seeks clarification regarding the treatment of end-of-series vehicles in the regulation. Currently, there are no provisions included that address this specific aspect. CECE is keen to understand the plan regarding the national homologation process for end-of-series NRMM. It is crucial to establish clear guidelines or directions to ensure a harmonised approach across Member States and provide manufacturers with a clear understanding of the procedures and requirements applicable to end-of-series machines.



#### **About CECE**

CECE, the Committee for European Construction Equipment, represents the interests of 1,200 construction equipment manufacturers through national trade associations in Europe.

CECE manufacturers generate €40 billion in yearly revenue, export a sizeable part of the production, employ around 300.000 people overall. They invest and innovate continuously to deliver equipment with highest productivity and lowest environmental impact.

Efficiency, safety and high-precision technologies are key. See also [www.cece.eu](http://www.cece.eu)