



EUROPEAN COMMISSION

*Brussels, 9.3.2015
C(2015) 1382 final*

Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinion concerning the proposal for a Regulation of the European Parliament and of the Council on requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery {COM(2014) 581 final}.

As regards the reference to Article 24 of the proposal, on conduct of measurements and tests for EU type-approval, the Commission proposed to define the technical characteristics of the listed reference fuels and the detailed technical requirements and characteristics for the conduct of measurements and test by means of delegated acts, in accordance with the empowerments set out in Article 24(4b) and (4c) respectively. Those will provide for the possibility to assess combined hybrid engines and to include commonly used sub-forms of those fuels listed in Article 24(2), such as for instance bio-diesel or liquefied natural gas (LNG).

Concerning the conformity of production of engines provided for in Article 25 of the proposal, the Commission would like to clarify that conformity of production in the specific meaning of the proposed Regulation cannot, systematically, be certified by general systems for the certification of production processes or quality management such as those covered by the ISO standards referred to in the Opinion of the Senato della Repubblica.

The objective of Article 25 of the proposal is rather to verify that, when producing the engine to be installed in non-road mobile machinery, the manufacturer of the engine does not deviate from the specific requirements set out in the EU type-approval concerned. The aim is also to ensure that the certificate of conformity remains accurate at any time. In this context, the Commission understands the concern of the Senato della

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Repubblica, but considers that the provisions in the mentioned Article should not be a burden on Italian or other European operators and would not be liable to affect competition.

Having regard to Article 42 of the proposal, which foresees the creation of a Union central administrative platform, the Commission is envisaging the possibility of using the existing Internal Market Information system established by Regulation (EU) No 1024/2012 ('the IMI Regulation') under the responsibility of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs. This would avoid the need to create an independent database and reduce costs to a minimum. At this stage, the Commission considers that it is not possible to create under the proposal for a non-road mobile machinery Regulation a single data base which would include all the information required by the various regulations and directives in the machinery sector because, on the one hand, the proposal focuses on emissions from internal combustion engines only and, on the other, not all machinery is equipped with such a type of engine.

Lastly, the Commission wishes to underline that Article 33 on exemptions for new technologies or new concepts relates exclusively to new technologies to be applied to the design or operation of internal combustion engines, in order to improve their emissions levels. It does not concern the other components or parts of machinery, IT communications technologies related to the operation or driving of machinery that could be incorporated into the Highway Code. Furthermore, it would not be possible for the proposal to provide for the incorporation of elements of the type-approval into the Highway Code as the harmonisation of such legislation is, at present, outside the scope of Union law.

The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council in which your government is represented.

The Commission hopes that these clarifications address the issues raised by the Senato della Repubblica and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Elżbieta Bieńkowska
Member of the Commission*