



EUROPEAN COMMISSION

Brussels, 24.6.2016
C(2016) 3812 final

Dear President,

The Commission would like to thank the Senat for its Opinion on the proposal for a Regulation on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles {COM(2016) 31 final}.

This proposal aims to contribute towards the Commission's overall objective of creating a deeper and fairer Internal Market by making the type-approval system based on the mutual recognition of approvals of different national authorities more robust and reinforcing the strict application of harmonised performance requirements by all market actors.

The Commission welcomes the Senat's support for the proposal and would like to underline the three main objectives of its proposal. Firstly, it shall reinforce the independence and quality of testing that allows a car to be placed on the market by ensuring that technical services are truly independent of manufacturers. Secondly, the proposal furthermore introduces an effective EU market surveillance system to control the conformity of cars which includes cars already on the market. Finally, it also reinforces the type-approval system with more European oversight and it provides for the necessary provisions to allow for such oversight.

The Commission welcomes the Senat's view that the proposal will improve the type-approval and market surveillances of motor vehicles and that these improvements will increase road safety and environmental protection.

In response to the more technical questions in the Opinion, the Commission would like to refer the Senat to the annex to this letter.

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 Senat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

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First Vice-President*

*Elżbieta Bienkowska
Member of the Commission*

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ANNEX

The Commission has carefully considered each of the issues raised by the Senat in its Opinion and is pleased to offer the following clarifications.

On point 3 (a):

With regard to the review of the requirements relating to the evaluation of the type-approval authorities, the Commission welcomes that the Senat considers this as a necessary and mandatory element of the proposal. The intention of the proposed evaluation of the activities of type-approval authorities is to take account of the fact that these authorities compete with one another and to ensure that a level playing field for their activities exists.

On point 3 (b):

The requirements concerning the evaluation and appointment of technical services should indeed be such as to ensure their independence and quality while at the same time being limited to what is necessary to avoid excessive costs resulting from such procedures for economic operators.

On point 3 (c):

The Commission takes note of the Senat's request to re-evaluate the imposition of national taxes covering the costs of type-approvals and market surveillance. The rationale behind the proposed national fee structure was not to create an excessive burden for economic operators but to have those reaping the economic benefits from the internal market for motor vehicles contribute to the costs incurred for the type-approval and market surveillance of the products placed on the European market. With regard to the top-up for the compliance verification by the Commission, the proposal includes the empowerment for an implementing act which would involve Member States in the adoption procedure and thus ensure that their position is adequately taken into account.

On point 3 (d):

In an area of law which is, like type-approval legislation, administered by the Member States, it is expected that Member States' experts with practical experience will contribute to the discussions in Council in order to ensure that the resulting provisions' applicability is practical and allows for a smooth functioning of the system without any disruptions.

On point 4:

The Commission notes the Senat's concerns regarding the phasing in of the new Regulation which should not overlap with other new regulatory developments planned for the coming years.

In its legislative proposals, the Commission makes every effort to assess the administrative and compliance costs and balance them against the benefits to be brought about by the legislation. The proposal, in its transitional provisions, ensures that existing type-approvals shall not be invalidated by the new Regulation until five years after its application. Only after five years will all existing type-approvals need to have been replaced by new type-approvals issued on the basis of the new Regulation. It follows that the registration of new

vehicles produced on the basis of existing type-approvals will also not be prohibited by the repeal of Directive 2007/46/EC. At the same time, the Commission sees a need for a cut-off date providing for the end of validity of existing type-approvals in order to prevent that these approvals remain valid for an undetermined time.

On point 5 (a):

The Commission takes account of the Opinion expressed by the Senat regarding the funding of market surveillance activities. The proposal considers that manufacturers' contribution to the costs of market surveillance will incentivise them to produce more compliant vehicles, thereby reducing the need for more intensive market surveillance.

On point 5 (b):

The Commission welcomes the Senat's support for the limited validity of the type-approval for complete vehicles and will carefully consider the point raised regarding the limited validity for components and systems.

On point 5 (c):

The proposal seeks to improve the performance of all technical services, make them independent, fix requirements for their assessment and designation as well as to cut the financial links between manufacturers and technical services. In order to achieve these objectives, it provides for stricter controls and also establishes procedures for peer review. The intention is not to duplicate controls and audits. The Commission has formulated its proposal with the intention to avoid unnecessary burdens for any participant in the process.