

Non-road mobile machinery circulating on public roads

OVERVIEW

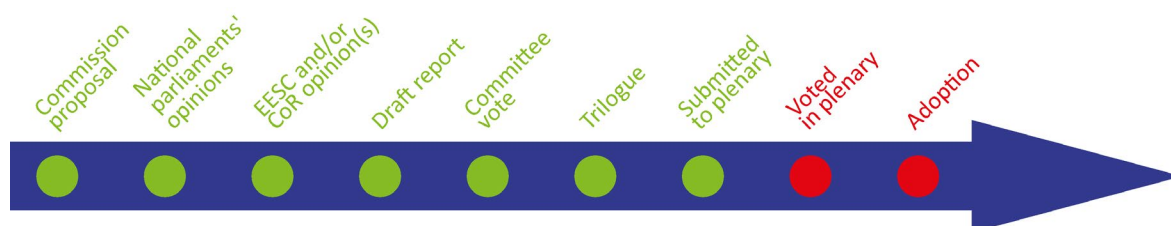
The single market celebrated its 30th anniversary in 2023. Although it has generally been a success story, a number of challenges remain. For instance, there is still no EU-wide harmonisation of the technical requirements for the road circulation of non-road mobile machinery. This has a negative effect on the functioning of the single market. This sector covers a broad range of machinery fitted with the means for self-propulsion – such as combine harvesters, excavators, ride-on mowers and forklifts – and that may need to circulate on the road to go from one workplace to another.

On 23 March 2023, the Commission presented a proposal for a regulation that would set out the requirements for the EU type approval and placing on the market of non-road mobile machinery intended to circulate on public roads. It would also lay down rules and procedures on market surveillance of non-road mobile machinery. Stakeholders have broadly welcomed the proposal.

The Parliament and Council reached a political agreement on 21 February 2024. This agreement now needs to be endorsed, and formally adopted by both institutions.

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

<i>Committee responsible:</i>	Internal Market and Consumer Protection (IMCO)	COM(2023)178 30.3.2023
<i>Rapporteur:</i>	Tom Vandenkendelaere (EPP, Belgium)	2023/0090(COD)
<i>Shadow rapporteurs:</i>	Maria-Manuel Leitão-Marques (S&D, Portugal) Ivars Ijabs (Renew, Latvia) Malte Gallée (Greens/EFA, Germany) Beata Mazurek (ECR, Poland) <i>ID: to be appointed</i> Kateřina Konečná (The Left, Czechia)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Vote in plenary on political agreement	



Introduction

The single market celebrated its [30th anniversary](#) in 2023. Although it has generally been a success story, many hurdles remain, and it is [estimated](#) that improvements to the single market for goods could generate between €183 billion and €269 billion annually.¹ In May 2022, the plenary of the Conference on the Future of Europe [proposed](#) to deepen the single market further (proposal 12).

In particular, challenges remain for the non-road mobile machinery sector. This sector covers a broad range of machinery fitted with a means for its own propulsion. They are regularly used in certain sectors or for specific purposes. In the execution of their work, these machines are often required to move around and may need to circulate on the road to go from one workplace to another. Non-road mobile machinery may have a huge variety of designs, depending on the intended use of the machinery. The main types of non-road mobile machinery belong to the agricultural and forestry (combine harvesters), construction (excavators/diggers), garden (ride-on mowers), material handling (forklifts) and municipal equipment (street sweepers) sectors. Total EU production value reached €12.5 billion in 2019; production is highly concentrated, in Germany (37 %), Italy (11 %), France (10 %) and Finland, Sweden and Austria (7 % each).

Over the past few years, various issues affecting non-road mobile machinery have been harmonised. For instance, the essential health and safety requirements in the Machinery Regulation cover occupational safety (i.e. when machinery is at work). However, they do not cover the safety aspects related to the circulation of this machinery on public roads.

There is still no harmonisation across the EU of the technical requirements for the road circulation of non-road mobile machinery. This situation entails considerable differences across the EU as regards those requirements, and regarding approval procedures.

Some Member States, such as Austria, Germany, Italy and Portugal, have a conformity assessment procedure for all non-road mobile machinery (similar to [type approval with third party testing](#)). Other Member States have lighter processes, based on documentation from the manufacturer (for example, Belgium and Greece), on internal production control (Estonia), on CE declaration of conformity under the [Machinery Regulation](#) (Finland, Latvia) or on in-house certification (Sweden).

This situation negatively affects the functioning of the single market: it generates barriers to market entry and market delays in the introduction of new non-road mobile machinery, leads to high compliance costs for companies, entails difficulties in the use of machinery across EU borders, and results in different requirements and technical solutions for the road safety of non-road mobile machinery in the EU.

Under the current system, [costs](#) for stakeholders are around €6 billion over 10 years to comply with and to maintain the road safety requirements for non-road mobile machinery (€3.6 billion for manufacturers and distributors, €2.4 billion for rental companies and end users, and €23 million for Member State authorities).

Parliament's starting position

In its resolution of 18 January 2023 on the [30th anniversary of the single market: celebrating achievements and looking towards future developments](#), Parliament stressed that the EU was at a crucial moment for strengthening and developing the single market, which should be updated to renew its promise to deliver benefits for consumers and businesses. It pointed out that a frictionless framework for business was what makes it attractive and what further drives European integration. Parliament asked the Commission to target resources at issues affecting the single market, in particular unjustified barriers that prevent the realisation of the single market's full potential for consumers, workers and businesses.

Preparation of the proposal

Preparatory work started in 2016, with a survey of 35 stakeholders that was used as input for a [study](#) on EU harmonisation of the requirements for the road circulation of non-road mobile machinery.

The [inception impact assessment](#) was published in November 2017, to allow stakeholders to provide feedback on a possible initiative to improve the functioning of the single market with respect to the road circulation of mobile machinery (self-propelled mobile and towed machinery). The Commission received 20 answers.

In 2019, 90 stakeholders were surveyed to provide input for a [cost-benefit study](#), which confirmed that a lack of harmonised rules for the road circulation of mobile machinery caused direct and indirect costs for economic operators, citizens and Member States.

The Commission received 74 responses to the [public consultation](#) that took place between November 2020 and February 2021 to collect feedback from all stakeholders on the situation and the potential impact of some policy options during the preparatory work concerning this proposal.

An [impact assessment](#) was published together with the proposed regulation. The policy options that were examined range from no EU intervention (i.e. 27 sets of national legislation), to [mutual recognition](#), harmonising legislation according to the 'new approach' and the introduction of an EU road [type approval](#) for non-road mobile machinery.

The first policy option was the setting up of an EU type approval for the entire mobile machine, to be granted by Member State authorities, with two sub-options: firstly, type approval (for most components, systems and technical units, whereas the road approval would involve an independent authorised third party; secondly, simplified type approval (a third party would only be involved for components, systems and separate technical units that are more critical for road safety, such as braking and steering). The second policy option was to require CE marking of the entire mobile machine, to be granted by the manufacturer ('new approach' type of legislation).

The preferred policy option was the first sub-option to the first policy option (simplified type approval): a regulation including a transitional period, covering self-propelled machinery only (not towed), with a maximum design speed limit of 40 km/h. The Commission estimated that economic operators would save €846 million over 10 years (net savings), of which €502 million would be saved by manufacturers and distributors and €344 million by rental companies and end users. The increased turnover for technical services would be partially offset by a reduction in the total number of approvals.

The changes the proposal would bring

The proposed regulation would set out the requirements for the EU type approval and placing on the market of non-road mobile machinery that is intended to circulate on public roads for another purpose than the transport of persons, animals or goods. It would also lay down rules and procedures on market surveillance of non-road mobile machinery.

The proposal, as recommended by the impact assessment, would introduce a simplified EU type approval system – which would be mandatory after a transitional period – covering self-propelled machinery only (not towed machinery, as the vast majority of towed equipment can already be type approved under other vehicle categories) with a maximum design speed of 40 km/h. The Commission considered that a higher speed would be neither necessary nor appropriate for this type of machinery, as manufacturers of faster vehicles could, in principle, opt for the currently available type approval procedures for the other vehicle categories.

The type approval system would, however, be simplified, to be proportionate and to take into account the low circulation frequency of non-road mobile machinery.

Member States would only permit the marketing and circulation on public roads of non-road mobile machinery that complies with the proposed regulation. Manufacturers would have to make sure that non-road mobile machinery that they market belongs to a type that has been granted an EU type approval, and that it has been designed and manufactured in accordance with that type. Non-road mobile machinery would have to be designed, constructed and assembled to minimise the risk of injury to the occupants and to other persons and of damage to road infrastructure, when that machinery is circulating on a public road.

The Commission would be empowered to adopt delegated acts to lay down the technical requirements for a wide range of elements, such as braking devices, steering, field of vision, windscreen wipers or lighting and lighting installations. The delegated acts may also set rules on test procedures, test methods, and limit values.

According to the proposed EU type approval procedure, a request should be submitted to an approval authority. The applicant would have to demonstrate compliance with the applicable technical requirements by supplying technical documentation. If required by the relevant delegated acts, some specific tests would have to be carried out by the manufacturer or by a designated technical service or accredited in-house technical service. Virtual testing methods could be used in some cases.

The approval authorities would verify the compliance of the non-road mobile machinery with the applicable technical requirements and the conformity of production arrangements. If an EU type approval is granted, an EU type approval certificate would be issued for an unlimited duration. It could become invalid if, for instance, production is stopped or if it is not possible to update the approval after new requirements become applicable. Each non-road mobile machine would be accompanied by a certificate of conformity, and manufacturers would have to affix on each machine a statutory plate with markings.

The Commission could authorise EU type approval exempting new technologies or new concepts, for a maximum of three years and only in one Member State.

The proposed regulation would also set up a forum for exchange of information on enforcement, to exchange best practices. It would be chaired by the Commission, and be composed of representatives of the Member States. Parliament might be invited as an observer, as might stakeholders and industry, and would give its opinion on implementing acts.

The proposed regulation would also set up a transitional period of eight years, during which manufacturers could choose either EU type approval or to comply with national legislation.

Advisory committees

The European Economic and Social Committee believes that the proposal requires no comment on its part, and on 14 June 2023 it [adopted](#) an opinion endorsing the proposed regulation.

National parliaments

The [deadline](#) for the submission of reasoned opinions on grounds of subsidiarity was 26 May 2023. No such opinion was delivered within the time limit.

Stakeholder views²

The [feedback period](#) on the Commission proposal also closed on 26 May 2023. The Commission received eight contributions, with stakeholders broadly welcoming the proposal's aim to harmonise technical safety requirements for the road circulation of non-road mobile machinery.

The [European Garden Machinery Federation](#) (EGMF) invited the co-legislators to redraft a number of provisions to prevent possible misinterpretations. In particular, it should be clear that machines not intended to circulate on public roads can still be placed on the single market, in compliance with the new Machinery Regulation. It also called for mandatory industry representation in the new

forum, to facilitate the uniform interpretation and implementation of the proposed regulation. EGMF would also like that machinery outside the proposed regulation can continue following national legislation beyond the eight-year transition period.

[Copa-Cogeca](#), representing farmers and agri-cooperatives in the EU, warned that masses and dimensions of non-road mobile machinery would probably be a difficult topic when drafting the delegated acts on the detailed technical requirements and tests requested for each of the relevant machinery features.

[TÜV-Verband](#), representing the interests of the TÜV assessment organisations, recalled the key importance of the content of the future delegated acts on the technical requirements. Before they are known, it is not possible to assess whether the EU-wide harmonised framework would or would not enhance road safety for non-road mobile machinery.

The [French National Federation of Public Works](#) (Fédération nationale des Travaux Publics) is against the registration of non-road mobile machinery, as they only exceptionally circulate on public roads and at very low speeds, and registration entails a number of constraints (linked to insurance requirements or administrative tasks).

Legislative process

Council

In the Council, the file has been discussed in the working party on technical harmonisation (motor vehicles). The Council adopted its position ('[negotiating mandate](#)') on 8 November 2023, which aims to: clarify the rules for adopting technical requirements; allow Member States to start granting EU approvals before the formal application of the regulation; remove machines with a maximum speed of less than 6 km/h from the scope of the legislation; and reinforce the market surveillance obligations for manufacturers.

European Parliament

In Parliament, the file was allocated to the Committee on the Internal Market and Consumer Protection (IMCO). Tom Vandenkendelaere (EPP, Belgium) was appointed rapporteur on 24 May and published his [draft report](#) on 28 June, including 48 amendments to the Commission proposal.

The rapporteur supports the proposal's objectives, and intends to make type approval simpler and more harmonised across the EU, without placing unnecessary additional obligations and administration on manufacturers. To this end, he amended the scope of the proposed regulation, to exclude non-road mobile machinery intended for field-testing activities carried out by the manufacturer, which are inherent to the machine development process. The rapporteur also proposes to amend the definitions of non-road mobile machinery types and variants, to accommodate small volumes and so that the manufacturer can have very similar machines EU type approved under the same type or variant.

In addition, the rapporteur proposed to extend to 24 months (instead of 18) the duration of the harmonised lead time concerning the validity of existing types when new requirements are introduced at EU level. Furthermore, he specified that rules under which Member States cannot refuse the verification already carried out by the approval authority of another Member State would be detailed in a delegated act. The rapporteur also tabled some amendments to increase the participation of industry in the committee procedure and in the new forum for exchange of information on enforcement. He also aims to avoid overlaps with the new regulation on machinery products.

The draft report was discussed in IMCO on 17 July 2023. A total of 161 [amendments](#) to the proposal were tabled (including those from the rapporteur), and were debated by MEPs on 9 October. The IMCO report was [adopted](#) on 28 November 2023, with 38 votes in favour and two against. It includes 75 amendments to the Commission proposal. The decision to enter into interinstitutional

negotiations was [adopted](#) on the same day, with 37 votes in favour and two against. This decision was [approved](#) by the plenary on 13 December 2023.

The Parliament and Council reached a [political agreement](#) on 21 February 2024. This agreement now needs to be endorsed, and formally adopted by both institutions.

The regulation creates a new category of vehicles ('U-category vehicles') for non-road mobile machinery (similar to the 'M' category for passenger cars, and the 'N' category for vans).

The regulation will not apply to non-road mobile machinery exceeding 40 km/h (as proposed by the Commission), nor will it apply to non-road mobile machinery with a maximum design speed not exceeding 6 km/h.

For some non-road mobile machinery, the manufacturer may decide to apply for EU type-approval, or EU individual approval (i.e. certification from an approval authority that particular non-road mobile machinery, whether unique or not, satisfies the relevant provisions of the new regulation), or to comply with the relevant national legislation, such as machinery produced only in small quantities of up to 70 machines per year.

During a transition period of 11 years (instead of 8 years as initially proposed) the manufacturers will be able to choose whether they want to apply for the EU certificate or continue to comply with relevant national laws only.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Ragonnaud G., [Ensuring machine safety in the digital age: Revision of the Machinery Directive](#), EPRS, European Parliament, March 2023.

OTHER SOURCES

[Approval and market surveillance of non-road mobile machinery circulating on public roads](#), 2023/0090(COD), Legislative Observatory (OEIL), European Parliament.

ENDNOTES

- ¹ See also Lauro Panella et al., [Mapping the cost of non-Europe \(2022-2032\)](#), EPRS, European Parliament, February 2023.
- ² This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

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