

EUnited Municipal Equipment comments on the proposed Regulation complementing EU type-approval legislation with regard to the withdrawal of the United Kingdom from the Union (COM(2018)397 FINAL)

EUnited Municipal Equipment is a sector association of EUnited AISBL. It is the European association of municipal equipment manufacturers. The association represents the leading manufacturers of mobile machines used in municipalities and other public areas like road sweepers, refuse collection vehicles, multi-equipment carriers, snow ploughs, salt spreaders and others.

EUnited Municipal Equipment welcomes the new proposal of the European Commission for a regulation on EU type-approvals obtained from the UK type-approval authority (COM(2018)397). It is essential for all companies within the municipal equipment industry that they can continue to produce and place their products after the withdrawal of the UK from the EU on both the EU market and in the UK whereby any discrimination of manufacturers on both sides must be avoided. Therefore, EUnited Municipal Equipment fully supports the draft Regulation and proposes some amendments for its improvement in order to ensure that those already granted but also future type approvals of engines, systems and components for completed vehicles will also be further mutually recognised. It is extremely important for manufacturers to obtain legal certainty with sufficient lead time.

Sufficient lead-time and legal certainty needed

Since the date of the UK's withdrawal from the EU is fast approaching, this Regulation should enter into force as soon as possible. For both the machine and the component or system manufacturer, who has a UK type approval for his products, it must be ensured to have a valid type approval without interruption in order to be allowed to place products to market continuously. Therefore, EUnited Municipal Equipment urges decision-makers to adopt this Regulation quickly, so that a timely conversion of UK type-approvals to type approvals granted in EU-27 is achievable.

Allow for smooth transition for vehicles with UK type-approved systems or components

Many vehicles and mobile machines have components such as engines that have an EU type approval granted by the UK type approval authority. Due to the typical order and production periods in the municipal equipment business many of these components will still be in the supply chain on 30th March 2019. If a 'converted' EU

type approval will not be available for these components, they may no longer be used for vehicles and mobile Machines intended for the EU-market.

Systems and components which are already placed on the market and in the supply-chain based on an EU type approval granted in the UK, approval, placing on the market, registration and entry into service of the vehicles and mobile machines fitted with these systems or components should be allowed even after the date of the UK's withdrawal from the EU

Clear identification of when conversion to Union type-approval is required

The proposed Regulation should identify exact cases in which a conversion of a UK type-approvals to type approvals granted in EU-27 is required. For example, if type approval for a vehicle or a separate technical unit becomes invalidated before the EU law ceases to apply in the UK (for example a vehicle or an engine subject to exemptions or transition provisions or vend of series provisions), it is not required for manufacturers to apply for a new approval. This means that a valid type approval is not always necessary to allow placing on the market of vehicles or systems.

Therefore, it is essential that the proposed Regulation clearly specifies the cases where a conversion to a type approval granted in EU-27 is required.

Recognition of labelling and markings of vehicles, systems and components already in stock

Even if manufacturers would immediately change the type approval marking on new products in cases where a conversion to a type approval granted in EU-27 was required, there would be a stock of compliant vehicles, systems, components and separate technical units which are already produced and marked with the UK type approval number. Re-labelling of products in stock is impractical; therefore, the proposed Regulation should allow the prior UK type approval markings affixed to these products to be recognised as equivalent to the new EU-27 approval number.

Repetition of tests only in case of serious concerns

EUnited Municipal Equipment appreciate the provisions of the proposed Regulation which permit the acceptance of test reports from UK technical services by EU type approval authorities. However, the proposed Regulation indicates in article 5 (3) that the Union type-approval authority may request the repetition of tests. From EUnited Municipal Equipment's point of view repetition of tests should only be required if there are serious concerns and supporting evidence regarding the reliability of the test reports from the UK technical service. This would help to reduce administrative burden which would arise in the process of converting the UK type approvals to the EU-27 ones.