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*Plenary sitting*

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**A9-0382/2023**

30.11.2023

**\*\*\*I**  
**REPORT**

on the 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 (COM(2023)0178 – C9-0120/2023 – 2023/0090(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Tom Vandenkendelaere

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the 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 (COM(2023)0178 – C9-0120/2023 – 2023/0090(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0178),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0120/2023),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 14 June 2023<sup>1</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0382/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C xxx, xx;xx;xxxx, p. x.

## Amendment 1

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

(1) Self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC of the European Parliament and of the Council<sup>23</sup>, that is designed or constructed with the purpose to perform work, ('non-road mobile machinery') might need, whether occasionally or often, to circulate on public roads, mostly to move from one working place to another.

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<sup>23</sup> Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).

## Amendment 2

### Proposal for a regulation

#### Recital 5

*Text proposed by the Commission*

(5) For the purposes of the development and operation of the internal market of the Union, it is appropriate to establish a harmonised type-approval system for the road safety of non-road mobile machinery intended to circulate on public roads.

## Amendment 3

*Amendment*

(1) Self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC of the European Parliament and of the Council<sup>23</sup>, that is designed or constructed with the purpose to perform work, ('non-road mobile machinery') **or towed equipment, not already covered by the scope of Regulation (EU) No 167/2013, Regulation (EU) No 168/2013 or Regulation (EU) 2018/858**, might need, whether occasionally or often, to circulate on public roads, mostly to move from one working place to another.

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<sup>23</sup> Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).

**Proposal for a regulation**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5a) The objective of this Regulation is to address the risks associated with the intended circulation of non-road mobile machinery on public roads. Thus, non-road mobile machinery that, in practice, will most likely not circulate on public roads should be excluded from the scope of this Regulation.**

**Amendment 4**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

*Amendment*

(7) Given the purpose of this Regulation to address road circulation of non-road mobile machinery designed and constructed for performing work, and not to transport workers, mobile machinery which is equipped with more than three seating positions, including the driver's seating position, should also be excluded from this Regulation.

(7) Given the purpose of this Regulation to address road circulation of non-road mobile machinery designed and constructed for performing work, and not to transport workers, mobile machinery which is equipped with more than three seating positions **when circulating on public roads**, including the driver's seating position, should also be excluded from this Regulation.

**Amendment 5**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7a) This Regulation should cover only non-road mobile machinery that is placed on the Union market for the first time and is either new non-road mobile machinery made by a manufacturer established in the Union or non-road mobile machinery, whether new or**

*second-hand, imported from a third country.*

## **Amendment 6**

### **Proposal for a regulation Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***(7b) This Regulation should apply to non-road mobile machinery intended to circulate on public roads irrespective of how the machinery is powered and, therefore, should also apply to electric and hybrid machinery. This Regulation should be without prejudice to the electric safety requirements related to electric drives laid down by Regulation (EU) 2023/1230 of the European Parliament and of the Council.***

## **Amendment 7**

### **Proposal for a regulation Recital 7 c (new)**

*Text proposed by the Commission*

*Amendment*

***(7c) Field tests allow machinery to be tested in real life situations, such as on agricultural lands or on appropriate construction sites, before it is widely introduced, thereby allowing faster and better improvements. In order for manufacturers to carry out field tests, which are inherent to the machine development process, the temporary placing on the market of non-road mobile machinery that has not yet been EU type-approved should be allowed. Accordingly, the temporary placing on the market of non-road mobile machinery for the purpose of field-testing prototypes should be excluded from the scope of this Regulation, and such temporary placing***



*on the market should be allowed.*

## **Amendment 8**

### **Proposal for a regulation**

#### **Recital 9**

*Text proposed by the Commission*

(9) Individual approvals can be of use for machinery that is circulating in the territory of only one Member State and therefore such approvals should be excluded from the scope of this Regulation.

*Amendment*

(9) Individual approvals can be of use for machinery that is circulating in the territory of only one Member State and therefore such approvals should be excluded from the scope of this Regulation. ***These individual approvals should be granted in accordance with national legislation.***

## **Amendment 9**

### **Proposal for a regulation**

#### **Recital 10**

*Text proposed by the Commission*

(10) Given that small and medium enterprises produce non-road mobile machinery in small series, of which the number of units that are made available on the market, registered or entered into service do not exceed, per year and in each Member State, **50** units per that type, it is appropriate to allow for national small series type-approval and should be therefore excluded from the scope of this Regulation. The manufacturer, should, however, be able to apply for an EU type-approval in order to benefit from the free movement.

*Amendment*

(10) Given that small and medium enterprises produce non-road mobile machinery in small series, of which the number of units that are made available on the market, registered or entered into service do not exceed, per year and in each Member State, **80** units per that type, it is appropriate to allow for national small series type-approval and ***such type-approval*** should be therefore excluded from the scope of this Regulation. The manufacturer, should, however, be able to apply for an EU type-approval in order to benefit from the free movement.

## **Amendment 10**

### **Proposal for a regulation**

#### **Recital 11**

*Text proposed by the Commission*

(11) Given that, in certain instances, non-road mobile machinery, due to its excessive dimensions, would not allow for sufficient manoeuvrability on public roads or, due to its excessive **weight or** masses, could damage the surface of public roads or other road infrastructure, it is appropriate to provide the discretion to Member States to prohibit the circulation of such machinery, even if it has been type-approved in accordance with this Regulation.

## **Amendment 11**

### **Proposal for a regulation**

#### **Recital 15**

*Text proposed by the Commission*

(15) With a view to ensure that the procedure for monitoring conformity of production, which is one of the cornerstones of the EU type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service designated for that purpose.

## **Amendment 12**

### **Proposal for a regulation**

#### **Recital 22**

*Amendment*

(11) Given that, in certain instances, non-road mobile machinery, due to its excessive dimensions, would not allow for sufficient manoeuvrability on public roads or, due to its excessive masses, **axle loads or ground contact pressure**, could damage the surface of public roads or other road infrastructure, it is appropriate to provide the discretion to Member States to prohibit the circulation of such machinery, even if it has been type-approved in accordance with this Regulation.

*Amendment*

(15) With a view to **ensuring** that the procedure for monitoring conformity of production, which is one of the cornerstones of the EU type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service, designated for that purpose. **Member States should ensure that their approval and market surveillance authorities have the necessary resources, such as sufficient budgetary, human and material resources, including a sufficient number of competent personnel, expertise, procedures and other arrangements for the proper performance of their duties.**

*Text proposed by the Commission*

(22) In order to enable Member States and national authorities as well as economic operators to prepare for the application of the new rules introduced by this Regulation, a date of application falling after the date of the entry into force should be set. It is also necessary to provide for a transitional period allowing the manufacturers, during that period, to comply with this Regulation and benefit from the free movement or to comply with the relevant national type-approval legislation.

*Amendment*

(22) In order to enable Member States and national authorities as well as economic operators to prepare for the application of the new rules introduced by this Regulation, a date of application falling after the date of the entry into force should be set. It is also necessary to provide for a transitional period allowing the manufacturers, during that period, to comply with this Regulation and benefit from the free movement or to comply with the relevant national type-approval legislation. ***The transitional period can only be beneficial under the precondition that Union requirements do not become mandatory at national level before the end of the transitional period. Therefore, without prejudice to the right of Member States to amend their national type-approval legislation and in order to avoid a disproportionate burden on national authorities, technical services and economic operators, Member States should be able to permit the placing on the market, registration or entry into service of type-approved non-road mobile machinery intended to circulate on public roads in accordance with the relevant national legislation applicable before the date of application of this Regulation.***

**Amendment 13**

**Proposal for a regulation  
Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. This Regulation applies to towed equipment, where it is placed on the market and intended to circulate on public roads, only to the extent that that equipment is not already covered by the scope of Regulation (EU) No 167/2013, Regulation (EU) No 168/2013 or***

**Amendment 14**

**Proposal for a regulation**

**Article 2 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) non-road mobile machinery equipped with more than three seating positions, including the driver's seating position;

*Amendment*

(b) non-road mobile machinery equipped with more than three seating positions ***when circulating on public roads***, including the driver's seating position;

**Amendment 15**

**Proposal for a regulation**

**Article 2 – paragraph 2 – subparagraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) non-road mobile machinery intended by the manufacturer to carry out field tests, which are inherent to the machine development process.***

**Amendment 16**

**Proposal for a regulation**

**Article 2 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***As regards non-road mobile machinery under individual approval, the manufacturer may, where appropriate, choose to apply for EU type-approval.***

**Amendment 17**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

(1) ‘non-road mobile machinery’ means any self-propelled mobile machinery, falling within the scope of Directive 2006/42/EC, that is designed or constructed with the purpose **to perform work**;

*Amendment*

(1) ‘non-road mobile machinery’ means any self-propelled mobile machinery **with a power drive** falling within the scope of Directive 2006/42/EC, that is designed or constructed with the purpose **of performing work and might need, whether occasionally or regularly, to circulate on public roads**.

**Amendment 18**

**Proposal for a regulation  
Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘non-road mobile machinery produced in small series’ means the national type-approval of a type of non-road mobile machinery of which the number of units that are made available on the market, registered or entered into service cannot exceed, per year and in each Member State, **50** units per that type;

*Amendment*

(3) ‘non-road mobile machinery produced in small series’ means the national type-approval of a type of non-road mobile machinery of which the number of units that are made available on the market, registered or entered into service cannot exceed, per year and in each Member State, **80** units per that type;

**Amendment 19**

**Proposal for a regulation  
Article 3 – paragraph 1 – point 23 – introductory part**

*Text proposed by the Commission*

(23) ‘non-road mobile machinery type’ means **a particular category or class of** non-road mobile machinery, including variants and versions of variants of that machinery, that shares **in** at least the following essential **respects**:

*Amendment*

(23) ‘non-road mobile machinery type’ means non-road mobile machinery, including variants and versions of variants of that machinery, that shares at least the following essential **aspects**:

**Amendment 20**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 23 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) category or class,** **deleted**

**Amendment 21**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 23 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) backbone chassis/chassis with side members/articulated chassis (obvious and fundamental differences),** **deleted**

**Amendment 22**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 23 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) axles (number) or tracks (number),** **deleted**

**Amendment 23**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 23 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) in the case of multi-stage built non-road mobile machinery, the manufacturer and the type of the previous stage non-road mobile machinery;** **deleted**

**Amendment 24**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 24 – point c**

*Text proposed by the Commission*

*Amendment*

(c) **engine** (internal combustion/hybrid/electric/hybrid-electric),

(c) **power drive** (internal combustion/hybrid/electric/hybrid-electric),

## **Amendment 25**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 24 – point e**

*Text proposed by the Commission*

*Amendment*

(e) **number and arrangement of cylinders,**

**deleted**

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 24 – point f**

*Text proposed by the Commission*

*Amendment*

(f) **power difference of no more than 30 % (the highest power being no more than 1,3 times the lowest power),**

**deleted**

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 24 – point g**

*Text proposed by the Commission*

*Amendment*

(g) **cylinder capacity difference of no more than 20 % (the highest figure being no more than 1,2 times the lowest figure),**

**deleted**

## **Amendment 28**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 24 – point i**

*Text proposed by the Commission*

*Amendment*

**(i) steered axles (number and position),** **deleted**

#### **Amendment 29**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 24 – point j**

*Text proposed by the Commission*

*Amendment*

**(j) maximum laden mass differing by no more than 10 %,** **deleted**

#### **Amendment 30**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 24 – point l**

*Text proposed by the Commission*

*Amendment*

**(l) rollover protection structure,** **deleted**

#### **Amendment 31**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 24 – point m**

*Text proposed by the Commission*

*Amendment*

**(m) braked axles (number);** **deleted**

#### **Amendment 32**

##### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – point 29**

*Text proposed by the Commission*

*Amendment*

(29) ‘non-road mobile machinery presenting a serious risk’ means non-road mobile machinery that, based on an

(29) ‘non-road mobile machinery presenting a serious risk’ means non-road mobile machinery that, based on an



appropriate risk assessment that takes account of the nature of the hazard and the likelihood of its occurrence, presents a serious risk in relation to *the* aspects covered by this Regulation;

appropriate risk assessment that takes account of the nature of the hazard and the likelihood of its occurrence, presents a serious risk in relation to *its safe circulation on public roads and other* aspects covered by this Regulation;

### Amendment 33

#### Proposal for a regulation

##### Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that their approval and market surveillance authorities have the necessary resources for the proper performance of their duties.***

### Amendment 34

#### Proposal for a regulation

##### Article 4 – paragraph 5 – subparagraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) due to its excessive weight or masses, the machinery could damage the surface of public roads or other road infrastructure.

(b) due to its excessive weight or masses, ***axle loads and ground contact pressure***, the machinery could damage the surface of public roads or other road infrastructure, ***unless, in order to limit or prohibit circulation on public roads, one of these parameters is below the threshold established by Member States.***

### Amendment 35

#### Proposal for a regulation

##### Article 4 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article 47 to supplement this Regulation

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.

establishing the thresholds values, including for the machinery's maximum laden mass **on road**, beyond which the non-road mobile machinery's dimensions, weight and masses, **axle loads and ground contact pressure** 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.

## Amendment 36

### Proposal for a regulation Article 6 – paragraph 4

#### *Text proposed by the Commission*

4. Manufacturers shall indicate their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on their non-road mobile machinery or, where that is not possible, **on its packaging or** in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

#### *Amendment*

4. Manufacturers shall indicate their name, registered trade name or registered trade mark, and the postal address and the email address at which they can be contacted, on their non-road mobile machinery or, where that is not possible, in a document accompanying that machinery. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

## Amendment 37

### Proposal for a regulation Article 7 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that

#### *Amendment*

Manufacturers who have sufficient reason to believe that **type-approved** non-road mobile machinery which they have made available on the market is not in conformity with this Regulation shall immediately take the corrective measures

non-road mobile machinery into conformity, to withdraw it or to recall it, as appropriate.

necessary to bring that non-road mobile machinery into conformity, to withdraw it or to recall it, as appropriate, ***and to notify the user of that non-conformity.***

## **Amendment 38**

### **Proposal for a regulation Article 7 – paragraph 2**

#### *Text proposed by the Commission*

2. Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the approval and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market to that effect, giving details of the non-conformity and any corrective measures taken.

#### *Amendment*

2. Manufacturers who have sufficient reason to believe that a non-road mobile machinery which they have made available on the market presents a serious risk shall immediately inform the approval and the market surveillance authorities of the Member States in which the non-road mobile machinery was made available on the market to that effect, giving details of the non-conformity and any corrective measures taken. ***Manufacturers shall immediately inform the users via appropriate means.***

## **Amendment 39**

### **Proposal for a regulation Article 7 – paragraph 5 – subparagraph 2**

#### *Text proposed by the Commission*

In case of a substantiated complaint, manufacturers shall inform their distributors and importers thereof.

#### *Amendment*

In case of a substantiated complaint, manufacturers shall, ***as soon as possible,*** inform their distributors and importers thereof.

## **Amendment 40**

### **Proposal for a regulation Article 8 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(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) 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 ***type-approved*** non-road mobile machinery ***in accordance with this Regulation***;

**Amendment 41**

**Proposal for a regulation**

**Article 15 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed rules on the requirements set out in paragraph 1 for the following elements:

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning detailed, ***non-discriminatory*** rules on the requirements ***related to risks for circulation on public roads*** set out in paragraph 1 for the following elements:

**Amendment 42**

**Proposal for a regulation**

**Article 15 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) ***vehicle structure integrity***;

***deleted***

**Amendment 43**

**Proposal for a regulation**

**Article 15 – paragraph 2 – subparagraph 1 – point p**

*Text proposed by the Commission*

*Amendment*

(p) masses, including maximum ***on-road*** laden mass;

(p) masses, including ***technically permissible*** maximum laden mass ***on road***;

## Amendment 44

### Proposal for a regulation

#### Article 15 – paragraph 2 – subparagraph 1 – point w

*Text proposed by the Commission*

*Amendment*

(w) *operator's manual for road use;* *deleted*

## Amendment 45

### Proposal for a regulation

#### Article 15 – paragraph 2 – subparagraph 1 – point y

*Text proposed by the Commission*

*Amendment*

(y) on-road *information*, warnings and markings.

(y) on-road warnings and markings *for lighting and lighting installations*.

## Amendment 46

### Proposal for a regulation

#### Article 15 – paragraph 2 – subparagraph 4

*Text proposed by the Commission*

*Amendment*

The delegated acts referred to in the first subparagraph *shall* 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.

The delegated acts referred to in the first subparagraph *may* 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.

## Amendment 47

### Proposal for a regulation

#### Article 15 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*2a. When adopting the delegated acts referred to in [paragraph 2], the Commission shall ensure that the requirements laid down in those delegated acts are aligned and consistent with, and*

*complementary to requirements applicable to non-road mobile machinery pursuant to other acts of Union law, in particular Regulation (EU) 2023/1230.*

*In the preparation of those delegated acts, the Commission shall carry out appropriate consultations, including with the relevant stakeholders.*

## Amendment 48

### Proposal for a regulation Article 16 – paragraph 1

*Text proposed by the Commission*

1. Non-road mobile machinery shall not be made available on the market, registered or entered into service, unless it is in conformity with this Regulation.

*Amendment*

1. Non-road mobile machinery ***intended for circulation on public roads*** shall not be made available on the market, registered or entered into service, unless it is in conformity with this Regulation.

## Amendment 49

### Proposal for a regulation Article 18 – paragraph 2 – point c

*Text proposed by the Commission*

(c) the EU declaration of conformity provided for in the applicable Union legislation harmonising the conditions for the marketing of products;

*Amendment*

(c) ***a copy of*** the EU declaration of conformity provided for in the applicable Union legislation harmonising the conditions for the marketing of products;

## Amendment 50

### Proposal for a regulation Article 19 – paragraph 4 – point b

*Text proposed by the Commission*

(b) index listing the contents of the information package, suitably numbered ***or otherwise marked so as to identify clearly all the pages and the format of each***

*Amendment*

(b) index listing the contents of the information package, suitably numbered and ***presenting*** a record of the successive steps in the management of the EU type-

**document such as to present** a record of the successive steps in the management of the EU type-approval, in particular the dates of revisions and updating. The approval authority shall keep information contained in the information package available for a period of 10 years after the end of validity of the approval concerned.

approval, in particular the dates of revisions and updates. The approval authority shall keep information contained in the information package available for a period of 10 years after the end of validity of the approval concerned.

## Amendment 51

### Proposal for a regulation Article 22 – paragraph 1

#### *Text proposed by the Commission*

1. An approval authority which grants an EU type-approval shall take the necessary measures to verify, ***if necessary in cooperation with*** the approval ***authorities of the other*** Member States, that adequate production arrangements have been made to ensure that the non-road mobile machinery in production conforms to the approved type and documented control plans, to be agreed with the holder of EU type-approval for each approval.

#### *Amendment*

1. An approval authority which grants an EU type-approval shall take the necessary measures to verify, ***directly or on the basis of the verification already carried out by*** the approval ***authority of another*** Member State, that adequate production arrangements have been made to ensure that the non-road mobile machinery in production conforms to the approved type and documented control plans, to be agreed with the holder of EU type-approval for each approval.

## Amendment 52

### Proposal for a regulation Article 22 – paragraph 3

#### *Text proposed by the Commission*

3. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, ***if necessary in cooperation with*** the approval ***authorities of the other*** Member States, that the arrangements referred to in paragraphs 1 and 2 continue to be adequate so that non-road mobile machinery in production will continue to conform to the approved type

#### *Amendment*

3. An approval authority which has granted an EU type-approval shall take the necessary measures in relation to that approval to verify, ***directly or on the basis of the verification already carried out by*** the approval ***authority of another*** Member State, that the arrangements referred to in paragraphs 1 and 2 continue to be adequate so that non-road mobile machinery in production will continue to conform to the

and that certificates of conformity continue to comply with Article 27.

approved type and that certificates of conformity continue to comply with Article 27.

### Amendment 53

#### Proposal for a regulation Article 22 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning the detailed arrangements with regard to conformity of production.

*Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article 47 concerning the detailed arrangements with regard to conformity of production, ***such as the detailed conditions under which approval authorities may not refuse the verification already carried out by the approval authority of another Member State.***

### Amendment 54

#### Proposal for a regulation Article 26 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

However, in the case of the first subparagraph, point (b), the EU type-approval and the relevant EU type-approval certificate shall become invalid ***18*** months after the date of applicability of the new requirements referred to in the first subparagraph, point (b).

*Amendment*

However, in the case of the first subparagraph, point (b), the EU type-approval and the relevant EU type-approval certificate ***for placing non-road mobile machinery on the market*** shall become invalid ***24*** months after the date of applicability of the new requirements referred to in the first subparagraph, point (b).

### Amendment 55

#### Proposal for a regulation Article 26 – paragraph 7



*Text proposed by the Commission*

7. The communication referred to in paragraph 6 shall specify, in particular, the date of production and the **vehicle** identification number of the last non-road mobile machinery produced.

*Amendment*

7. The communication referred to in paragraph 6 shall specify, in particular, the date of production and the **unique** identification number of the last non-road mobile machinery produced.

**Amendment 56**

**Proposal for a regulation  
Article 28 – paragraph 1**

*Text proposed by the Commission*

1. The manufacturer **of a non-road mobile machinery** shall affix to each non-road mobile machinery manufactured in conformity with the approved type a statutory plate with marking.

*Amendment*

1. The manufacturer shall affix to each non-road mobile machinery manufactured in conformity with the approved type a statutory plate with marking.

**Amendment 57**

**Proposal for a regulation  
Article 32 – paragraph 1**

*Text proposed by the Commission*

1. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery presents a serious risk, it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the non-road mobile machinery concerned no longer presents that risk.

*Amendment*

1. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery presents a serious risk **or is not in conformity with this Regulation**, it shall require without delay that the relevant economic operator take all appropriate corrective measures without delay to ensure that the non-road mobile machinery concerned no longer presents that risk **or is brought into conformity. That period shall be proportionate to the seriousness of the risk or non-conformity.**

**Amendment 58**

**Proposal for a regulation**  
**Article 32 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Where, after having performed the evaluation pursuant to Article 31, the market surveillance authority finds that a non-road mobile machinery is not in conformity with this Regulation and that it does not present a serious risk as referred to in paragraph 1, that authority shall require without delay that the relevant economic operator takes all appropriate corrective measures within a reasonable period to bring that machinery into conformity. That period shall be proportionate to the seriousness of non-compliance.**

**deleted**

**Amendment 59**

**Proposal for a regulation**  
**Article 32 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Where economic operators do not take appropriate corrective measures within the **relevant** period **referred to in paragraph 1 or 2** or where the risk requires rapid action, the national authorities shall take all appropriate provisional restrictive measures to prohibit or restrict the making available on the market, the registration, including a prohibition from circulating on public roads, or the entry into service of the concerned non-road mobile machinery, on their national market, or to withdraw them from that market or to recall them.

4. Where economic operators do not take appropriate corrective measures within the **required** period or where the risk requires rapid action, the national authorities shall take all appropriate provisional restrictive measures to prohibit or restrict the making available on the market, the registration, including a prohibition from circulating on public roads, or the entry into service of the concerned non-road mobile machinery, on their national market, or to withdraw them from that market or to recall them.

**Amendment 60**

**Proposal for a regulation**  
**Article 33 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The market surveillance authority taking **either a** corrective or **a** restrictive measures in accordance with Article 32 shall notify the Commission and the national authorities of other Member States without delay, by means of the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.

*Amendment*

The market surveillance authority taking corrective or restrictive measures in accordance with Article 32 shall notify the Commission and the national authorities of other Member States without delay, by means of the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.

**Amendment 61**

**Proposal for a regulation**

**Article 33 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It shall also inform without delay the approval authority that granted the approval about its findings. In the cases of non-road machinery that presents a serious risk **the corrective or restrictive** measures shall also be notified via the Rapid Information Exchange System (RAPEX) referred to in Article 12 of Directive 2001/95/EC of the European Parliament and of the Council<sup>31</sup>.

*Amendment*

It shall also inform without delay the approval authority that granted the approval about its findings. In the cases of non-road machinery that presents a serious risk **those** measures shall also be notified via the Rapid Information Exchange System (RAPEX) referred to in Article 12 of Directive 2001/95/EC of the European Parliament and of the Council<sup>31</sup>.

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<sup>31</sup> Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

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<sup>31</sup> Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

**Amendment 62**

**Proposal for a regulation**

**Article 33 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

The information provided in accordance with the first and second subparagraph shall include all available details, including

*Amendment*

The information provided in accordance with the first and second subparagraph shall include all available details, including

the data necessary for the identification of the concerned non-road mobile machinery, **the origin of that mobile machinery**, the nature of the alleged non-compliance or the risk involved, the nature and duration of the national **corrective and restrictive** measures taken, and the arguments put forward, when those arguments are put forward, by the relevant economic operator.

the data necessary for the identification of the concerned non-road mobile machinery, **its** origin, the nature of the alleged non-compliance or the risk involved, the nature and duration of the national measures taken, and the arguments put forward, when those arguments are put forward, by the relevant economic operator.

## Amendment 63

### Proposal for a regulation

#### Article 33 – paragraph 2 – introductory part

##### *Text proposed by the Commission*

2. The Member State that takes the **corrective or restrictive** measure shall indicate whether the risk or the non-compliance is due to the following:

##### *Amendment*

2. The Member State that takes the measure shall indicate whether the risk or the non-compliance is due to the following:

## Amendment 64

### Proposal for a regulation

#### Article 33 – paragraph 3

##### *Text proposed by the Commission*

3. Member States other than the Member State that takes **corrective or restrictive** measures shall inform within one month after the notification referred to in paragraph 1, the Commission and the other Member States of any **corrective or restrictive** measures they have adopted and of any information at their disposal relating to the non-compliance or the risk of the non-road mobile machinery concerned, as well as, in the event of disagreement with the notified national measure, of their objections.

##### *Amendment*

3. Member States other than the Member State that takes measures shall inform within one month after the notification referred to in paragraph 1, the Commission and the other Member States of any measures they have adopted and of any information at their disposal relating to the non-compliance or the risk of the non-road mobile machinery concerned, as well as, in the event of disagreement with the notified national measure, of their objections.

## Amendment 65

**Proposal for a regulation**  
**Article 33 – paragraph 4**

*Text proposed by the Commission*

4. Where, within three months after the notification referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a notified national measure, the other Member States shall ensure that similar ***corrective or restrictive*** measures are taken without delay within their territories in respect of the non-road mobile machinery concerned.

**Amendment 66**

**Proposal for a regulation**  
**Article 33 – paragraph 6**

*Text proposed by the Commission*

6. On the basis of the consultation referred to in paragraph 5, the Commission shall adopt implementing acts to decide on harmonised ***corrective or restrictive*** measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).

**Amendment 67**

**Proposal for a regulation**  
**Article 34 – paragraph 2**

*Text proposed by the Commission*

2. 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.

*Amendment*

4. Where, within three months after the notification referred to in paragraph 1, no objection has been raised by either another Member State or the Commission in respect of a notified national measure, the other Member States shall ensure that similar measures are taken without delay within their territories in respect of the non-road mobile machinery concerned.

*Amendment*

6. On the basis of the consultation referred to in paragraph 5, the Commission shall adopt implementing acts to decide on harmonised measures at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 46(2).

*Amendment*

2. 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. ***The approval authorities shall provide***

***guidance on the minimum information and instructions that need to be made available.***

## **Amendment 68**

### **Proposal for a regulation Article 34 – paragraph 3**

*Text proposed by the Commission*

3. The information referred to in paragraph 2 shall be provided in the operator's manual for road use.

*Amendment*

3. The information referred to in paragraph 2 shall be provided in the operator's manual for road use, ***or as a separate part of the other operator's instructions.***

## **Amendment 69**

### **Proposal for a regulation Article 34 – paragraph 4 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) in paper or electronic format.

*Amendment*

(b) in paper or ***in an easily accessible*** electronic format.

## **Amendment 70**

### **Proposal for a regulation Article 34 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

When the operator's manual is provided in electronic format, the manufacturer shall provide information ***in printed or paper format*** on how to access or find that manual, in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service.

*Amendment*

When the operator's manual is provided in electronic format, the manufacturer shall provide information on how to access or find that manual, in the official languages of the Member State where the non-road mobile machinery is to be placed on the market, registered or entered into service.

## **Amendment 71**

**Proposal for a regulation**  
**Article 35 – paragraph 6**

*Text proposed by the Commission*

6. A technical service and its personnel shall carry out the categories of activities for which it has been designated with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of their assessment activities, especially such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.

*Amendment*

6. A technical service and its personnel shall ***be independent and*** carry out the categories of activities for which it has been designated with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of their assessment activities, especially such pressures or inducements emanating from persons or groups of persons with an interest in the results of those activities.

**Amendment 72**

**Proposal for a regulation**  
**Article 40 – paragraph 1**

*Text proposed by the Commission*

1. The designating approval authority shall draw up an assessment report demonstrating that the candidate technical service has been assessed for its compliance with the requirements of this Regulation and the delegated acts adopted pursuant to this Regulation. That report may include a certificate of accreditation issued by an accreditation body.

*Amendment*

1. The designating approval authority shall draw up an assessment report demonstrating that the candidate technical service ***and, where relevant, any subsidiary or sub-contractor,*** has been assessed for its compliance with the requirements of this Regulation and the delegated acts adopted pursuant to this Regulation. That report may include a certificate of accreditation issued by an accreditation body.

**Amendment 73**

**Proposal for a regulation**  
**Article 47 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Commission shall adopt the delegated acts referred to in Article 4(5), Article 15(2), Article 21(9), Article 22(6) and Article 39 before ... [24 months from the date of entry into force of this Regulation].**

#### **Amendment 74**

##### **Proposal for a regulation**

##### **Article 49 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

Whenever **appropriate**, technical services, representatives of the European Parliament, of the industry and of the relevant economic operators, as well as of stakeholders involved in safety matters, **may** be invited as observers to the Forum in accordance with the rules of procedures referred to in paragraph 6.

Whenever **relevant**, technical services, representatives of the European Parliament, of the industry and of the relevant economic operators, as well as of stakeholders involved in safety matters **related to road circulation, shall** be invited as observers to the Forum in accordance with the rules of procedures referred to in paragraph 6.

#### **Amendment 75**

##### **Proposal for a regulation**

##### **Article 53 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**From [date of entry into force], national authorities shall not refuse to grant EU type-approval for new non-road mobile machinery, or prohibit the placing on the market, registration, or entry into service of new non-road mobile machinery when it is in compliance with this Regulation and the delegated and implementing acts adopted pursuant to this Regulation, if a manufacturer so requests.**





# EXPLANATORY STATEMENT

## 1. Background

On 23 March 2023, the Commission submitted to the European Parliament and to the Council a proposal for a Regulation on the approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020. Mobile machinery might need, whether occasionally or often, to circulate on public roads, mostly to move from one working place to another. The Commission aims at non-road mobile machinery used, among other things, for construction, agricultural, garden, forestry, material handling and municipal applications (such as harvesters, sprayers, loaders, excavators, mobile cranes, ride-on mowers, forklifts, telehandlers, street sweepers, lifting platforms or snow cleaners). This proposal aims to fill a gap in the single market, which celebrates its 30<sup>th</sup> anniversary this year, for these non-road mobile machinery by introducing an EU-wide type-approval for non-road mobile machinery.

## 2. Draft Report

The Rapporteur fully supports the overall objectives of the proposed Regulation, namely to harmonise at EU level the technical requirements for the approval of non-road mobile machinery, ensuring a high level of road safety and eliminating barriers to the free circulation of such machinery on the EU Single Market by reducing fragmentation. The rapporteur is convinced that the proposed Regulation has the full potential to achieve all these objectives. In line with the Commission's proposals, the rapporteur wants to make type-approval simpler and more harmonised across the European Union, without placing unnecessary additional obligations and administration on manufacturers. The rapporteur is convinced that through this Regulation we can achieve a high level of safety across the European Union when these machines circulate on the roads.

With these objectives in mind and in order to further improve the text, the rapporteur proposes six key changes to the text:

**I. Clear scope (Art. 2):** the rapporteur believes that non-road mobile machinery intended for field-testing activities carried out by the manufacturer, which are inherent to the machine development process, should be kept out of scope of the Regulation. Furthermore, the rapporteur suggests some clear language on the rules for small series and individual approvals, for which manufacturers should, even after the transition period, still have the possibility to choose between national or EU type-approval.

**II. Wider definition of a ‘type’ and ‘variant’ (Art. 3):** the rapporteur proposes to make the definition of a *non-road mobile machinery type* and a *variant* less strict, in order to allow for more flexibility to accommodate for small volumes and for the manufacturer to have more very similar machines EU type-approved under the same type or variant.

**III. Avoid unnecessary overlap with the Machinery Product Regulation (Art. 3 and Art. 15):** the rapporteur is convinced that this non-road mobile machinery Regulation should not overlap with the upcoming Machinery Product Regulation. Both in terms of serious risks, which

should be clearly linked to circulation on public roads, and in terms of technical requirements, of which some are already sufficiently covered by the Machinery Product Regulation.

**IV. Longer harmonised lead time in relation to validity of existing types (Art. 16):** the rapporteur supports the introduction of a harmonised lead time in relation to the validity of existing types when new requirements are introduced on EU-level. However, for seasonal machines, such as specific agricultural machinery, the period of 18 months in the proposal for Regulation should be extended to 24 months. This is already the end of series time period granted for tractors and this is justified by the fact that new requirements need a minimum of two seasons to be tested and validated.

**V. Compulsory acceptance of approval of adequate production arrangements (Art. 22):** while the Commission for the conformity of production arrangements only obliges approval authorities to cooperate with approval authorities of other Member States, the rapporteur is convinced that the approval done by one Member State should easily be accepted by another Member States under the conditions specified by the Commission in a delegated act.

**VI. Involvement of industry stakeholders (Art. 46 and Art. 49):** the rapporteur finds a stronger involvement of the industry is needed. Therefore, both in the committee procedure and in the newly established forum, the rapporteur strengthened the language on involvement of the industry stakeholders from all relevant sectors.

### **3. Conclusions**

As the discussions of EU type-approval for non-road mobile machinery has long been the subject of debate between stakeholders and the European Commission, the rapporteur is pleased that this excellent proposal is finally on the table. The rapporteur trusts the Member States to take this up and contribute further to the deepening of the internal market for these machines.

**ANNEX: ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

<b>Entity and/or person</b>
Belgian Mission to the EU
CECE - Committee for European Construction Equipment
AVR
CEMA - European Agricultural Machinery Industry Association
AGORIA
EUnited aisbl - European Engineering Industries Association
ETUC - European Trade Union Confederation
FEM aisbl - European Materials Handling Federation
Regulatory Institute ASBL
Permanent Representation of the Kingdom of the Netherlands to the European Union

The list above is drawn up under the exclusive responsibility of the rapporteur.

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Approval and market surveillance of non-road mobile machinery circulating on public roads and amending Regulation (EU) 2019/1020		
<b>References</b>	COM(2023)0178 – C9-0120/2023 – 2023/0090(COD)		
<b>Date submitted to Parliament</b>	30.3.2023		
<b>Committee responsible</b> Date announced in plenary	IMCO 17.4.2023		
<b>Committees asked for opinions</b> Date announced in plenary	ENVI 17.4.2023		
<b>Not delivering opinions</b> Date of decision	ENVI 27.4.2023		
<b>Rapporteurs</b> Date appointed	Tom Vandenkendelaere 24.5.2023		
<b>Discussed in committee</b>	17.7.2023	9.10.2023	25.10.2023
<b>Date adopted</b>	28.11.2023		
<b>Result of final vote</b>	+	38	
	-	2	
	0	0	
<b>Members present for the final vote</b>	Andrus Ansip, Pablo Arias Echeverría, Laura Ballarín Cereza, Alessandra Basso, Adam Bielan, Biljana Borzan, Vlad-Marius Botoș, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Sandro Gozi, Virginie Joron, Eugen Jurzyca, Włodzimierz Karpiński, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Antonius Manders, Beata Mazurek, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Kim Van Sparrentak, Marion Walsmann		
<b>Substitutes present for the final vote</b>	Francisco Guerreiro, Ivars Ijabs, Kosma Złotowski, Marco Zullo		
<b>Substitutes under Rule 209(7) present for the final vote</b>	João Albuquerque, Petar Vitanov, Stefania Zambelli		
<b>Date tabled</b>	1.12.2023		

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

<b>38</b>	<b>+</b>
ECR	Adam Bielan, Eugen Jurzyca, Beata Mazurek, Kosma Zlotowski
ID	Alessandra Basso, Virginie Joron, Jean-Lin Lacapelle
NI	Miroslav Radačovský
PPE	Pablo Arias Echeverría, Deirdre Clune, Włodzimierz Karpiński, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Marion Walsmann, Stefania Zambelli
Renew	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Ivars Ijabs, Marco Zullo
S&D	João Albuquerque, Laura Ballarín Cereza, Biljana Borzan, Leszek Miller, René Repasi, Christel Schaldemose, Petar Vitanov
Verts/ALE	Anna Cavazzini, David Cormand, Francisco Guerreiro, Marcel Kolaja, Kim Van Sparrentak
<b>2</b>	<b>-</b>
The Left	Kateřina Konečná, Anne-Sophie Pelletier
<b>0</b>	<b>0</b>

Key to symbols:

+ : in favour

- : against

0 : abstention