

European Commission proposal for a Regulation on the approval and market surveillance of non-road mobile machinery circulating on public roads

EGMF position paper

26 May 2023

EGMF, the European Garden Machinery Federation, welcomes the European Commission proposal on the road approval of non-road mobile machinery. We believe that this legislation is an effective contribution to further deepen the Single Market, by harmonising road circulation requirements for mobile machinery.

We also think the upcoming Regulation will cut unnecessary costs and remove disproportionate administrative burden on mobile machinery manufacturers, including manufacturers of garden machinery and outdoor power equipment.

As the European federation representing the interests of major garden, landscaping, forestry and turf equipment manufacturers, we would like to highlight the specific concerns and challenges that our sector identified in the context of this legislation:

- **Definitions:** EGMF requests a more precise definition of 'non-road mobile machinery' to prevent misinterpretation. We propose to delete the last part of the sentence from the definition provided by the European Commission.
- **General obligations:** EGMF proposes to delete specific wording in the regulation to avoid legal ambiguity regarding non-road mobile machinery placed on the market that is not intended to circulate on public roads. It must be clear that machines not intended to circulate on public roads can still be placed on the Single Market, as compliant with the Machinery Directive.
- **Establishment of 'the forum':** EGMF calls for mandatory, rather than optional, industry representation in the Information Exchange Forum, so to facilitate the uniform interpretation and implementation of the Regulation.
- **Transitional provisions:** EGMF demands explicit clarification that machinery outside this regulation can continue following national legislation beyond the 8-year transition period.

1. Definitions

The proposed definition of ‘non-road mobile machinery’, referring to any self-propelled mobile machinery within the scope of the Machinery Directive designed or constructed to perform work is too broad and might lead to misinterpretations.

While we understand that the definition aims at distinguishing non-road mobile machinery from vehicles, we believe that the concept of ‘work’ does not sufficiently differentiate between various types of work tasks that could be performed by machines on the road. EGMF proposes to delete the last part of the sentence, i.e.:

‘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;~~

2. General obligations

The proposed general obligations require that non-road mobile machinery placed on the Single Market must have been granted an EU-type approval and must have been designed and manufactured in accordance with that type. By the wording used in the proposed Regulation, this requirement seems to apply to all non-road mobile machinery placed on the market, including those not intended to circulate on public roads. We are confident that this was not the intent of the European Commission, as this approach would differ from the ones taken in other pieces of legislation such as the Machinery Regulation.

However, to avoid legal uncertainty, we propose that the wording referring to the placing on the market of a NRMM is deleted from Article 1(1) and 2(1), i.e.:

Article 1 (1):

This Regulation lays down technical requirements, administrative requirements and procedures, for the EU type-approval ~~and placing on the market~~ of non-road mobile machinery intended to circulate on public roads.

Article 2(1)

This Regulation applies to non-road mobile machinery where it is ~~placed on the market and~~ intended to circulate, with or without a driver, on a public road.

3. Establishment of ‘the forum’

EGMF welcomes the establishment of a Forum for Exchange of Information on Enforcement (‘the Forum’), to facilitate the uniform interpretation and implementation of the Regulation. We particularly encourage the active participation of industry representatives in the activities carried out by the Forum, so to be able share our valuable knowledge on the ground expertise. Therefore, in Article 49 (1), we suggest deleting ‘Whenever appropriate’ replacing the word ‘may’ with ‘shall’ and to delete the words ‘as observers’, i.e.

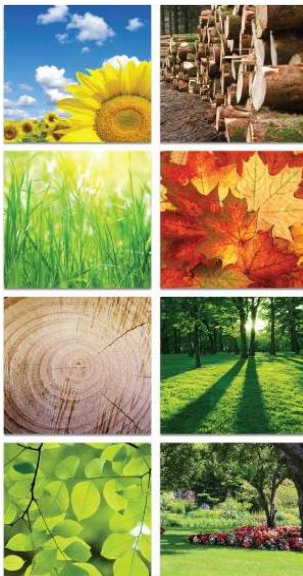
~~Whenever appropriate,~~ Technical services, representatives of the European Parliament, of the industry and of the relevant economic operators, as well as of stakeholders involved in safety matters, ~~may~~ shall be invited ~~as observers~~ to the Forum in accordance with the rules of procedures referred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

4. Transitional provisions

EGMF welcomes that the proposed Regulation allows Member States to apply any national legislation on national type-approval of non-road mobile machinery for 8 years from the date of application. We

understand that during this period, manufacturers can choose either to apply for EU type-approval or to comply with relevant national legislation.

However, EGMF requests a clearer wording specifying that, in the case of non-road mobile machinery excluded from the scope of this Regulation, as per Article 2.2, those will still be able to continue to follow national legislation after those 8 years.



For further information, please contact: EGMF Secretariat, secretariat@egmf.org

The European Garden Machinery industry Federation – EGMF – has been the voice of the garden machinery industry in Europe since 1977. With 30 European corporate members and 7 national associations representing manufacturers for garden, landscaping, forestry and turf maintenance equipment, we are the most powerful network in this sector in Europe. Our members are responsible for employing 120,000 people in the EU, and in 2021 sold over 23 million units on the European Market.
