I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2021/1068 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 24 June 2021

amending Regulation (EU) 2016/1628 as regards its transitional provisions for certain machinery fitted with engines in the power ranges greater than or equal to 56 kW and less than 130 kW, and greater than or equal to 300 kW, in order to address the impact of the COVID-19 crisis

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) Regulation (EU) 2016/1628 of the European Parliament and of the Council ([3]) lays down requirements relating to emission limits for gaseous and particulate pollutants and EU type-approval procedures for various categories of engines for non-road mobile machinery.

(2) The dates applicable to the new emission limit values, referred to as 'Stage V' in Regulation (EU) 2016/1628, are set out in order to provide manufacturers with clear and comprehensive information and an appropriate period of time for the transition to Stage V, whilst at the same time substantially reducing the administrative burden for approval authorities.

(3) Due to the COVID-19 outbreak and the associated supply chain and production disruptions, non-road mobile machinery manufacturers, referred to as 'original equipment manufacturers' or 'OEMs' in Regulation (EU) 2016/1628, had difficulties meeting the deadlines of 30 June 2020 and 31 December 2020 set out in that Regulation for the production and the placing on the market of machinery fitted with certain categories of engines that comply with less stringent emission limit values than those of Stage V. Therefore, Regulation (EU) 2016/1628 was amended by Regulation (EU) 2020/1040 of the European Parliament and of the Council ([4]) in order to prolong those deadlines by 12 months.

([1]) Opinion of 9 June 2021 (not yet published in the Official Journal).

([2]) Position of the European Parliament of 10 June 2021 (not yet published in the Official Journal) and decision of the Council of 18 June 2021.

([3]) Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016, p. 53).

([4]) Regulation (EU) 2020/1040 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EU) 2016/1628 as regards its transitional provisions in order to address the impact of the COVID-19 crisis (OJ L 231, 17.7.2020, p. 1).

(4) Since the continued supply chain and production disruptions caused by the COVID-19 pandemic still lead to delays in the production and the placing on the market of machinery fitted with other categories of engines (namely, engines in the power ranges greater than or equal to 56 kW and less than 130 kW, and greater than or equal to 300 kW) that comply with less stringent emission limit values than those of Stage V, it is very likely that OEMs will not be able to meet the deadlines of 30 June 2021 and 31 December 2021 set out in Regulation (EU) 2016/1628 for the production and the placing on the market of the machinery fitted with those engines without those manufacturers sustaining serious economic damage.

(5) Given the current circumstances, and in order to ensure the smooth functioning of the internal market, to provide legal certainty and to avoid potential market disruption, it is necessary to prolong the transitional provisions of Regulation (EU) 2016/1628 for those categories of engines.

(6) Given that the prolongation of the transitional provisions will have no environmental impact, as the transition engines concerned have already been produced, the extension of the relevant periods should be six months for the production of the machinery fitted with those engines and nine months for the placing on the market of the machinery fitted with those engines.

(7) Since the objective of this Regulation, namely to prolong certain transitional provisions of Regulation (EU) 2016/1628, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union ('TEU'). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(8) In view of the urgency entailed by the exceptional circumstances caused by the COVID-19 pandemic, it is considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

(9) Regulation (EU) 2016/1628 should therefore be amended accordingly.

(10) In view of the fact that the transition period provided for in Regulation (EU) 2016/1628 for certain engine sub-categories is to expire on 31 December 2021 and that OEMs have until 30 June 2021 to produce non-road mobile machinery fitted with transition engines of those sub-categories, this Regulation should enter into force as a matter of urgency on the day of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

Article 58 of Regulation (EU) 2016/1628 is amended as follows:

(1) in paragraph 5, the following subparagraph is added:

'For engines of all sub-categories for which the date set out in Annex III for the placing on the market of Stage V engines is 1 January 2020, except for the engines referred to in the second and third subparagraphs, the transition period shall be extended by nine months and the 18-month period referred to in the first subparagraph shall be extended by six months.';

(2) in paragraph 7, the following point is added:

'(e) 33 months from the applicable date for the placing on the market of engines set out in Annex III, in the case set out in the sixth subparagraph of paragraph 5.'.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 June 2021.

For the European Parliament	*For the Council*
The President	*The President*
D. M. SASSOLI	A. P. ZACARIAS