Regulation (EU) 2020/1694 of the European Parliament and of the Council of 11 November 2020 amending Regulation (EU) No 168/2013 as regards specific measures on L-category end-of-series vehicles in response to the COVID-19 pandemic (Text with EEA relevance)

REGULATION (EU) 2020/1694 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 November 2020

amending Regulation (EU) No 168/2013 as regards specific measures on L-category end-of-series vehicles in response to the COVID-19 pandemic

(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) The COVID-19 crisis has caused disruption to the supply chain of critical parts and components for L-category vehicles and a sizeable drop in demand for those vehicles. This has led to significant delays for manufacturers in clearing their stock of Euro 4 vehicles that, according to Annex IV to Regulation (EU) No 168/2013 of the European Parliament and of the Council[(3)], need to be registered before the application of the environmental Euro 5 step on 1 January 2021.

(2) The end-of-series rules laid down in Regulation (EU) No 168/2013 allow manufacturers to continue to make available on the market, register or enter into service a limited part of a stock of L-category vehicles which cannot be made available on the market, or can no longer be made available on the market, owing to the entry into force of new technical requirements against which those vehicles have not been approved.

(3) Considering the disruption caused by the COVID-19 crisis, it is apparent that the end-of-series rules in Regulation (EU) No 168/2013 do not constitute an appropriate mechanism to address the amount of Euro 4 L-category vehicles that manufacturers will have in stock following the application of the environmental Euro 5 step.

(4) Given the exceptional circumstances caused by the COVID-19 crisis, and to avoid potential market disruption, it is necessary to amend Regulation (EU) No 168/2013 to include specific measures on end-of-series vehicles in response to the COVID-19 crisis.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2020/1694 of the European Parliament and of the Council. (See end of Document for details)*

(5) In order to ensure that the application of these specific end-of-series measures is restricted to vehicles that were in stock at the moment of the national lockdowns, the amount of vehicles benefiting from these specific end-of-series measures should not exceed the number of Euro 4 L-category vehicles that were in stock on 15 March 2020.

(6) Since the objective of this Regulation, namely to amend the end-of-series rules, applicable for the year 2021, of Regulation (EU) No 168/2013 in response to the COVID-19 crisis, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, 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 to achieve that objective.

(7) In view of the urgency entailed by the exceptional circumstances caused by the COVID-19 crisis, 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.

(8) Regulation (EU) No 168/2013 should therefore be amended accordingly.

(9) This Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

The following Article is inserted in Chapter XI of Regulation (EU) No 168/2013:

Article 44a

Specific measures on end-of-series vehicles in response to the COVID-19 pandemic

1 By way of derogation from Article 44, and subject to paragraphs 2, 3 and 4 of this Article, vehicles conforming to a type of vehicle the EU type-approval of which will become invalid on 1 January 2021 pursuant to Article 37(2), point (a), may be made available on the market, registered or entered into service as end-of-series vehicles until 31 December 2021.

2 The number of end-of-series vehicles referred to in paragraph 1 of this Article shall not exceed the number of vehicles with an EU type-approval that will become invalid on 1 January 2021 pursuant to Article 37(2), point (a), and that were in stock on 15 March 2020.

3 A manufacturer who wishes to benefit from the derogation referred to in paragraph 1 shall submit a request to the national authority of each Member State where the vehicles in question are to be made available on the market, registered or entered into service, indicating the number of end-of-series vehicles for which the derogation referred to in paragraph 1 is requested.