



Position on the French proposal for revising sell-off and flexibility schemes in Directive 97/68/EC

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CECE, CEMA, EGMF, FEM and Pneurop have considered the French proposal and are unable to support as it currently stands. We would like to provide the following first considerations before presenting detailed comments that unfortunately cannot be submitted before end of January 2012. Directive 97/68/EC aims at approximating the laws of the Member States relating to emission standards and type-approval procedures for engines to be installed in non-road mobile machinery. We are in favour to keeping this field of application to engines only and not to enlarge it to machines.

The introduction of the flexibility scheme through directive 2004/26/EC brought a real help to OEM's who are generally satisfied with the procedure. We want to keep this flexibility scheme.

We welcome initiatives that aim to simplify the directive and would recommend the following changes:

- To delete the end of series provision (Article 10(2))
- To improve identification of engines (for example by adding month and year of production to the engine markings)
- To keep a sell-off provision to enable placing on the market of engines irrespective of the location of the engine and machine manufacturing plants, but to revise it to avoid promoting an abnormal level of engine inventory

In conclusion, CECE, CEMA, EGMF, FEM and Pneurop are of the opinion that the existing flexibility scheme should be retained, and that sell-off should be modified to achieve the above aims. We are therefore ready to participate in any discussion in order to ensure that any revised regulatory text will deliver the intended result, ensuring a sufficient level of the transitional provisions for OEM's.

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CECE represents 1200 construction equipment companies with a turnover of 20 billion € and an employment of ca. 120.000 persons in 2010, CEMA represents 4500 agricultural machinery companies with a turnover of 21 billion € and an employment of ca. 250.000 persons in 2010 and FEM represents ca. 1000 companies and an employment of ca. 160.000 persons, EGMF represents 14 European manufacturers and 4 national associations thus around 75% of the European market of lawnmowers and other assimilated equipment for garden, landscaping, forestry and turf maintenance equipment, and Pneurop represents more than 200 manufacturers European manufacturers of compressors, vacuum pumps, pneumatic tools and air & condensate treatment equipment, in 8 EU Member States, Switzerland and Turkey.