

## **EXPLANATORY MEMORANDUM**

### **THE NON-ROAD MOBILE MACHINERY (EMISSION OF GASEOUS AND PARTICULATE POLLUTANTS)(AMENDMENT) REGULATIONS 2004 No. 2034**

This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

#### **Description**

1. These regulations set emission limits for new small petrol engines (with a net power of below 19kW ) to be installed in certain types of non-road mobile machinery (NRMM) such as chainsaws, strimmers, lawnmowers, etc. In addition to this it sets emission limits for diesel engines between 18 and 560kW that are operated at constant speed, of the type installed in generator sets and water pumps. Limits are also set for secondary engines on road vehicles, such as those used in refrigeration units.

#### **Matters of special interest to the Joint committee on Statutory Instrument**

2. None

#### **Legislative Background**

3. These regulations implement European Directive 2002/88/EC, amending Directive 97/68/EC which set emission limits for diesel engines to be installed in NRMM such as construction equipment and certain agricultural equipment. Directive 2002/88/EC extended the scope of 97/68/EC to include limits for small petrol and constant speed diesel engines to be installed in NRMM.
4. The proposal for this Directive was first considered by the Scrutiny Committees in February 2001. The House of Commons Scrutiny Committee deemed it politically important and cleared it on 16 January 2002. It was cleared by the House of Lords Scrutiny Committee on 18 June 2002.
5. These Regulations implement this Directive by amending the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 (S.I. 1999/1649). They are made under section 2(2) of the European Communities Act 1972.

#### **Extent**

6. These regulations will apply to the whole of the United Kingdom.

#### **Policy Background**

7. Small petrol engines of the type covered by these Regulations are not currently subject to any emission limits in the UK, but are known to emit high levels of hydrocarbons, which contribute to the formation of ground level ozone. This leads to a risk of damage to human respiratory systems. In addition some hydrocarbons are carcinogenic.

8. The most significant pollutants emitted by diesel engines are oxides of nitrogen and particulates, which are the two pollutants of most concern to the UK in terms of air quality. Oxides of nitrogen can have adverse effects on health, particularly among those with respiratory problems. In addition, they contribute to acidification, and to ground level ozone formation. Particulates are also damaging to health, particularly among those suffering from cardiovascular and respiratory complaints.
9. Setting mandatory emission limits which apply across the EU and correlate well with existing US standards will result in a small but significant, and highly cost effective, environmental benefit. Mandatory emission limits have proven to be the most effective method of reducing emissions from internal combustion engines. Moving towards international harmonisation of emissions legislation will also allow easier access to world markets for UK manufacturers.
10. During negotiation this proposal did attract some negative publicity. There was a risk that the limits could not be met by engines to be installed in certain types of machinery, such as chainsaws, without making them too heavy or unwieldy to use. This has been addressed by delaying implementation dates for these engines to allow for the development of appropriate technology, and is not now expected to present a problem. The department has consulted widely on these Regulations and no objections were raised.

### **Impact**

11. A Regulatory Impact Assessment has been prepared and is attached.
12. There is no impact on the public sector.

### **Contact**

13. The official within the Department for Transport who can be contacted with any queries in relation to these Regulations is Stephen McFarlane, Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR; telephone 020 7944 2087; e-mail [stephen.mcfarlane@dft.gsi.gov.uk](mailto:stephen.mcfarlane@dft.gsi.gov.uk).

Department for Transport  
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