

**2008 No. 2011**

**ENVIRONMENTAL PROTECTION**

**The Non-Road Mobile Machinery (Emission of Gaseous and  
Particulate Pollutants) (Amendment) Regulations 2008**

<i>Made</i> - - - -	<i>23rd July 2008</i>
<i>Laid before Parliament</i>	<i>28th July 2008</i>
<i>Coming into force</i> - -	<i>8th September 2008</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State is a Minister designated(b) for the purposes of section 2(2) of that Act in relation to the environment.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) (Amendment) Regulations 2008.

(2) These Regulations come into force on 8th September 2008.

**Amendment of Regulations**

2. In regulation 2(1)(a) of the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999(c) (definition of “Directive 97/68/EC”), for “European Parliament and Council Directive 2004/26/EC” substitute “ Council Directive 2006/105/EC(d)”.

Signed by authority of the Secretary of State

23rd July 2008

*Jim Fitzpatrick*  
Parliamentary Under Secretary of State  
Department for Transport

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(a) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51).

(b) S.I. 2008/301.

(c) S.I. 1999/1053 as amended by S.I. 2002/1649, 2004/2034 and 2006/29.

(d) OJ L363, 20.12.2006, p.368. Directive 97/68/EC has been amended by Commission Directive 2001/63/EC (OJ L227, 23.08.2001, p.41), European Parliament and Council Directive 2002/88/EC (OJ L35, 11.02.2003, p.28), European Parliament and Council Directive 2004/26/EC (OJ L225, 25.06.2004, p.3 (incorporating changes made by the corrigendum to the original version of the Directive published in OJ L146, 30.04.2004, p.1)) and European and Council Directive 2006/105/EC. Directive 97/68/EC was added to Annex II of the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No 115/1999 of 24th September 1999 (OJ L325, 21.12.2000, p.29).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. They implement the provision of Council Directive 2006/105/EC which amends Directive 97/68/EC (OJ L59, 27.02.1998, p.1) on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery, so as to have regard to the Treaty of Accession of Bulgaria and Romania (OJ L 157, 21.6.2005). Council Directive 2006/105/EC amends Annex VIII of Council Directive 97/68/EC by including Bulgaria and Romania in the approval certificate numbering system.

*Regulation 2* amends the definition of the term “Directive 97/68/EC” to include amendments made to that Directive by Directive 2006/105/EC.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

A copy of the Transposition Note is available from the Department for Transport, zone 1/34, Great Minster House, 76 Marsham Street, London, SW1P 4DR and may also be accessed on the OPSI website [www.opsi.gov.uk](http://www.opsi.gov.uk).

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