

2013 No. 3171

ENVIRONMENTAL PROTECTION

ROAD TRAFFIC

**The Agricultural or Forestry Tractors (Emission of Gaseous and
Particulate Pollutants) and Tractor etc (EC Type-Approval)
(Amendment) Regulations 2013**

<i>Made</i> - - - -	<i>12th December 2013</i>
<i>Laid before Parliament</i>	<i>19th December 2013</i>
<i>Coming into force</i> - -	<i>28th January 2014</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 1972 Act”).

The Secretary of State is designated for the purposes of section 2(2) of the 1972 Act in relation to the environment(b) and for the regulation of the type, description, construction or equipment of vehicles, and of components of vehicles, and in particular any vehicle type-approval scheme(c).

Citation and commencement

1. These Regulations may be cited as the Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) and Tractor etc (EC Type-Approval) (Amendment) Regulations 2013 and come into force on 28th January 2014.

Amendment of the Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) Regulations 2002

2. The Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) Regulations 2002(d) (“the 2002 Regulations”) are amended as follows.

Interpretation

3. In regulation 2—

(1) For the definition of “Council Directive 97/68/EC” substitute—

(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 c.51, section 27(1), and by the European Union (Amendment) Act 2008 c.7, section 3(3) and Part 1 of the Schedule.
(b) S.I. 2008/301.
(c) S.I. 1972/1811.
(d) S.I. 2002/1891, amended by S.I. 2006/2393.

““Council Directive 97/68/EC” means Directive 97/68/EC(a) of the European Parliament and of the Council of 16th December 1997 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, as amended by such EU instruments as are in force on the day the Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) and Tractor etc (EC Type-Approval) (Amendment) Regulations 2013 are made;”.

(2) For the definition of “Council Directive 2000/25/EC” substitute—

““Council Directive 2000/25/EC” means Directive 2000/25/EC(b) of the European Parliament and of the Council of 22nd May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC, as amended by such EU instruments as are in force on the day the Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) and Tractor etc (EC Type-Approval) (Amendment) Regulations 2013 are made;”.

(3) For the definition of “Council Directive 2003/37/EC” substitute—

““Council Directive 2003/37/EC” means Directive 2003/37/EC(c) of the European Parliament and of the Council of 26th May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC, as amended by such EU instruments as are in force on the day the Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) and Tractor etc (EC Type-Approval) (Amendment) Regulations 2013 are made;”.

(4) After the definition of “engine power output” insert—

““entry into service” means the first use in the United Kingdom or another member State, for its intended purpose, of a tractor or engine and the date on which it is registered, if applicable, or placed on the market, shall be considered the date of entry into service, where “registered” means, in relation to a tractor that is registered in the United Kingdom, registered in accordance with Part II of the Vehicle Excise and Registration Act 1994(d);”.

(5) In the definition of “flexibility scheme”, for paragraph (a), substitute—

“(a) a scheme, in accordance with Article 3a and Annex IV of Council Directive 2000/25/EC, for the placing on the market of tractor engines or tractors which has been approved by the UK type approval authority under the provisions of Schedule 3 and which consists of the exemption procedure permitting the placing on the market and entry into service of a limited number of such engines, or tractors fitted with engines, approved in accordance with the requirements of the emission limits stage immediately preceding the one which would otherwise be applicable, or”.

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- (a) OJ No L 59, 27.2.1998, p.1, amended by Commission Directive 2001/63/EC of 17 August 2001 (OJ No L 227, 23.8.2001, p.41), Directive 2002/88/EC of the European Parliament and of the Council of 9 December 2002 (OJ No L 35, 11.2.2003, p.28), Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2004 (OJ No L 146, 30.4.2004, p.1), Council Directive 2006/105/EC of 20 November 2006 (OJ No L 363, 20.12.2006, p.368), Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 (OJ No L 188, 18.7.2009, p.14), Commission Directive 2010/26/EU of 31 March 2010 (OJ No L 86, 1.4.2010, p.29) and Directive 2011/88/EU of the European Parliament and of the Council of 16 November 2011 (OJ No L 305, 23.11.2011, p.1).
- (b) OJ No L 173, 12.7.2000, p.1, amended by Commission Directive 2005/13/EC of 21 February 2005 (OJ No L 55, 1.3.2005, p.35), Council Directive 2006/96/EC of 20 November 2006 (OJ No L 363, 20.12.2006, p.81), Commission Directive 2010/22/EU of 15 March 2010 (OJ No L 91, 10.4.2010, p.1), Directive 2011/72/EU of the European Parliament and of the Council of 14 September 2011 (OJ No L 246, 23.9.2011, p.1) and Directive 2011/87/EU of the European Parliament and of the Council of 16 November 2011 (OJ No L 301, 18.11.2011, p.1).
- (c) OJ No L 171, 9.7.2003, p.1, amended by Council Directive 2004/66/EC of 26 April 2004 (OJ No L 168, 1.5.2004, p.35), Commission Directive 2005/13/EC of 21 February 2005 (OJ No L 55, 1.3.2005, p.35), Commission Directive 2005/67/EC of 18 October 2005 (OJ No L 273, 19.10.2005, p.17), Council Directive 2006/96/EC of 20 November 2006 (OJ No L 363, 20.12.2006, p.81), Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 (OJ No L 311, 21.11.2008, p.1), Commission Directive 2010/22/EU of 15 March 2010 (OJ No L 91, 10.4.2010, p.1) and Commission Directive 2010/62/EU of 8 September 2010 (OJ No L 238, 9.9.2010, p.7).
- (d) 1994 c.22.

(6) In the definition of “stage”, at the end add “and a stage is numbered, as the case may be, I to IV, as set out in Article 9(4) and (4a) of Council Directive 97/68/EC”.

(7) At the end of the definition of “tractor engine”, add “and “engine” is to be construed accordingly”.

Amendment of regulation 4 of the 2002 Regulations

4. In regulation 4 (prohibition on entering engines or tractors into service), for paragraph (3) substitute—

“(3) No person shall enter into service for the first time on or after the relevant date any agricultural or forestry tractor fitted with a relevant engine unless either—

- (a) the engine complies with the limit values for the category to which it would have belonged if it had been manufactured and entered into service on the day the tractor was entered into service for the first time; or
- (b) the conditions in paragraph (3A) apply.

(3A) the conditions are that the engine—

- (a) is of category L, M, N, P, Q or R;
- (b) is fitted into an agricultural or forestry tractor of category T2, T4.1 or C2, as defined respectively in—
 - (i) the second indent of point A.1 of Chapter A,
 - (ii) point 1.1 of Part I of Appendix 1 to Chapter B, and
 - (iii) point A.2 of Chapter A,of Annex II to Council Directive 2003/37/EC; and
- (c) complies, on initial entry into service, with the limit values of stage IIIA until, as the case may be, the end of—
 - (i) 31st December 2013 in relation to engines of category L,
 - (ii) 30th September 2014 in relation to engines of category M or N,
 - (iii) 31st December 2015 in relation to engines of category P,
 - (iv) 31st December 2016 in relation to engines of category Q, or
 - (v) 30th September 2017 in relation to engines of category R.

(3B) Where the conditions in paragraph (3A) apply, the dates shown in column 2 and 3 of the second entry in each case in relation to a category of engine mentioned in paragraph (3A)(a) and listed in column 4 of Table 1 in Schedule 1, must be read as if modified in accordance with paragraph (3A)(c) by—

- (a) in the case of an engine of category L, M or R, substituting for the second date shown in each column the date mentioned in that paragraph for that category of engine, or
- (b) in the case of an engine of category P, Q or R, for the word “onwards” substituting “to” followed by the date mentioned in that paragraph for that category of engine.”

Review

5. After regulation 6, add—

“Duty to review Regulations

7.—(1) The Secretary of State shall from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State shall, so far as is reasonable, have regard to how Council Directive 2000/25/EC (which is implemented in the United Kingdom by these Regulations) is implemented in other member States.

(3) The report shall in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation shall be published before the end of the period of five years beginning with the day on which the Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) and Tractor etc (EC Type-Approval) (Amendment) Regulations 2013 come into force.

(5) Reports under these Regulations are afterwards to be published at intervals not exceeding five years.”.

Amendment of Schedule 1 to the 2002 Regulations

6. In Schedule 1, for Table 1 (categories of engine and relevant dates), substitute the following table—

“Table 1

Categories of Engine, Relevant Dates and Stages

(1) <i>Power Output (P) in kW</i>	(2) <i>Production date</i>	(3) <i>Date of initial entry into service</i>	(4) <i>Category</i>	(5) <i>Stage</i>
130 ≤ P ≤ 560	On or before 29.06.2001	30.06.2003 to 30.12.2003	A	I
	30.06.2001 to 30.12.2001	30.06.2001 to 30.12.2003	A	I
	On or before 30.12.2001	31.12.2003 to 30.12.2007	E	II
	31.12.2001 to 30.12.2005	31.12.2001 to 30.12.2007	E	II
	On or before 30.12.2005	31.12.2007 to 30.12.2012	H	III A
	31.12.2005 to 30.12.2010	31.12.2005 to 30.12.2012	H	III A
	On or before 30.12.2010	31.12.2012 to 30.12.2015	L	III B
	31.12.2010 to 30.12.2013	31.12.2010 to 30.12.2015	L	III B
	On or before 30.12.2013	31.12.2015 onwards	Q	IV
	31.12.2013 onwards	31.12.2013 onwards	Q	IV
75 ≤ P < 130	On or before 29.06.2001	30.06.2003 to 30.12.2004	B	I
	30.06.2001 to 30.12.2002	30.06.2001 to 30.12.2004	B	I
	On or before 30.12.2002	31.12.2004 to 30.12.2008	F	II

	31.12.2002 to 30.12.2006	31.12.2002 to 30.12.2008	F	II
	On or before 30.12.2006	31.12.2008 to 30.12.2013	I	III A
	31.12.2006 to 30.12.2011	31.12.2006 to 30.12.2013	I	III A
	On or before 30.12.2011	31.12.2013 to 29.09.2016	M	III B
	31.12.2011 to 29.09.2014	31.12.2011 to 29.09.2016	M	III B
	On or before 29.09.2014	30.09.2016 onwards	R	IV
	30.09.2014 onwards	30.09.2014 onwards	R	IV
56 ≤ P < 75	On or before 29.06.2001	30.06.2003 to 30.12.2005	C	I
	30.06.2001 to 30.12.2003	30.06.2001 to 30.12.2005	C	I
	On or before 30.12.2003	31.12.2005 to 30.12.2009	G	II
	31.12.2003 to 30.12.2007	31.12.2003 to 30.12.2009	G	II
	On or before 30.12.2007	31.12.2009 to 30.12.2013	J	III A
	31.12.2007 to 30.12.2011	31.12.2007 to 30.12.2013	J	III A
	On or before 30.12.2011	31.12.2013 to 29.09.2016	N	III B
	31.12.2011 to 29.09.2014	31.12.2011 to 29.09.2016	N	III B
	On or before 29.09.2014	30.09.2016 onwards	R	IV
	30.09.2014 onwards	30.09.2014 onwards	R	IV
37 ≤ P < 56	On or before 29.06.2001	30.06.2003 to 30.12.2005	C	I
	30.06.2001 to 30.12.2003	30.06.2001 to 30.12.2005	C	I
	On or before 30.12.2003	31.12.2005 to 30.12.2009	G	II
	31.12.2003 to 30.12.2007	31.12.2003 to 30.12.2009	G	II
	On or before 30.12.2007	31.12.2009 to 30.12.2014	J	III A
	31.12.2007 to 30.12.2012	31.12.2007 to 30.12.2014	J	III A
	On or before 30.12.2012	31.12.2014 onwards	P	III B
	31.12.2012 onwards	31.12.2012 onwards	P	III B
19 ≤ P < 37	On or before 30.12.2001	31.12.2003 to 30.12.2008	D	II
	31.12.2001 to 30.12.2006	31.12.2001 to 30.12.2008	D	II
	On or before 30.12.2006	31.12.2008 onwards	K	III A
	31.12.2006 onwards	31.12.2006 onwards	K	III A

18 ≤ P < 19	On or before 30.12.2001	31.12.2003 onwards	D	II
	31.12.2001 onwards	31.12.2001 onwards	D	II'

Amendment of Schedule 3 to the 2002 Regulations

7. In paragraph 5 (number of engines that may be placed on the market under a flexibility scheme) of Schedule 3—

(a) for sub-paragraph (2), substitute—

“(2) Unless sub-paragraph (3) applies, the maximum number is—

- (a) during Stage III B, but for a period no longer than 3 years from the beginning of that stage in respect of the engine category concerned, 40 per cent, or
- (b) during any period of time other than that specified in sub-paragraph (2)(a), 20 per cent

of the average of relevant annual sales calculated in accordance with sub-paragraph (2A).

(2A) The average of relevant annual sales is to be calculated as—

- (a) if, at the time when the application under paragraph 3 is made, the tractor manufacturer has been marketing tractors with engines of the relevant category in the territory of the member States for a period of less than 5 years, the arithmetic mean of the tractor manufacturer’s relevant annual sales over the period in which such marketing has taken place; or
- (b) in any other case, the arithmetic mean of the relevant annual sales over the 5 years preceding the application made under paragraph 3.”.

(b) for sub-paragraph (3), substitute—

“(3) If the request has been approved under paragraph 3(2)(c) the maximum number, in relation to engines with a power output (measured in kilowatts) within the range specified in column 1 of the Table, is—

- (a) the number specified in column 2 in relation to the period specified in sub-paragraph (2)(a), or
- (b) the number specified in column 3 in relation to the period specified in sub-paragraph (2)(b).”.

(c) in the first line of sub-paragraph (4), after “relevant” insert “annual”.

(d) For the Table (alternative fixed number of engines that may be placed on the market under a flexibility scheme), substitute the following table—

“Table

Alternative fixed number of engines that may be placed on the market under a flexibility scheme

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Power output of engines (P)	Number of engines	Number of engines
19 ≤ P < 37 kW	N/A	200
37 ≤ P < 56 kW	200	N/A
37 ≤ P < 75 kW	N/A	150
56 ≤ P < 75 kW	175	N/A
75 ≤ P < 130 kW	250	100
130 ≤ P ≤ 560 kW	125	50”.

Amendment of the Tractor etc (EC Type-Approval) Regulations 2005

8.—(1) The Tractor etc (EC Type-Approval) Regulations 2005(a) are amended as follows.

(2) In regulation 2(1), in the definitions of “separate directive” and “the Tractor Type Approval Directive(b)”, for “the Tractor etc (EC Type-Approval) (Amendment) Regulations 2011”, substitute in each case “the Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) and Tractor etc (EC Type-Approval) (Amendment) Regulations 2013”.

Signed by authority of the Secretary of State for Transport

Baroness Kramer
Minister of State
Department for Transport

12th December 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) Regulations 2002 (S.I. 2002/1891) (“the 2002 Regulations”) and the Tractor etc (EC Type-Approval) Regulations 2005 (S.I. 2005/390) (“the 2005 Regulations”).

The Regulations transpose the changes to articles 1 and 3a and Annex IV of Directive 2000/25/EC of the European Parliament and of the Council of 22nd May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC (“Council Directive 2000/25/EC”) made by Directive 2011/72/EU of the European Parliament and of the Council of 14th September 2011 (OJ No L 246, 23.9.2011, p.1) (“Council Directive 2011/72/EU”).

The Regulations also transpose the changes to article 4 of Council Directive 2000/25/EC made by Directive 2011/87/EU of the European Parliament and of the Council of 16th November 2011 (OJ No L 301, 18.11.2011, p.1) (“Council Directive 2011/87/EU”).

Regulation 3 amends regulation 2 of the 2002 Regulations to update references to Council Directives 97/68/EC, 2000/25/EC and 2003/37/EC, inserts a definition of “entry into service” and makes amendments to the definitions of “flexibility scheme”, “stage” and “tractor engine”.

Regulation 4 amends regulation 4 of the 2002 Regulations to give effect to changes to the flexibility scheme brought about by Council Directive 2011/72/EU in relation to tractor engines and tractors and the application of emission stages to narrow-track tractors brought about by Council Directive 2011/87/EU. These changes have the effect of allowing additional flexibility to manufacturers to make use of stage IIIA engines in circumstances where compliance with stage IIIB or IV would otherwise have been required and also have the effect of postponing that requirement for 3 years in relation to narrow-track tractors, as provided in Council Directive 2011/87/EU.

Regulation 5 requires the Secretary of State to review the operation and effect of the 2002 Regulations and publish a report within five years after these amending Regulations come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the 2002 Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

(a) S.I. 2005/390, as amended by S.I. 2006/2533, S.I. 2008/1980, S.I. 2011/1043 and S.I. 2011/1279.

(b) Council Directive 2003/37/EC - see footnote (c) in relation to regulation 3(3).

Regulation 6 amends Schedule 1 to the 2002 Regulations by substituting a new Table 1 which now shows the appropriate stage for each category of engine.

Regulation 7 makes amendments to Schedule 3 (UK Flexibility Schemes) to give effect to the changes brought about by Council Directive 2011/72/EU with regard to the operation of flexibility schemes in the UK, in particular as a consequence of the substitution by that directive of a revised Annex IV to Council Directive 2000/25/EC.

Regulation 8 amends the 2005 Regulations to update the definitions of “separate directive” and “the Tractor Type Approval Directive” (Council Directive 2003/37/EC). The purpose of doing so is to ensure that amendments in relation to type-approval made to Council Directive 2000/25/EC by Council Directive 2011/87/EU, to Council Directive 86/297/EEC by Council Directive 2012/24/EU, and to Council Directive 2009/144/EC by Council Directive 2013/8/EU, are all transposed in the United Kingdom.

The Department has taken the opportunity to amend the 2002 and 2005 Regulations by means of a single instrument as a matter of convenience to the reader and to avoid the need for two separate instruments to be purchased.

Full impact assessments of the effect that this instrument will have, in relation respectively to Directive 2011/72/EU and Directive 2011/87/EU, on the costs of business and the voluntary sector are available from the Department for Transport, 33 Horseferry Road, London, SW1P 4DR, telephone number 020 7944 2116 and are also published with the explanatory memorandum alongside the instrument on the UK legislation website, www.legislation.gov.uk. No impact assessment has been produced for the changes to the 2005 Regulations because they represent small reductions in regulatory burden which impose no costs upon industry.

A copy of the Directives referred to in this Explanatory Note may be viewed in the Official Journal of the European Union via the EUR-Lex website at <http://eur-lex.europa.eu>.

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