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STATUTORY INSTRUMENTS

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**2013 No. 3171**

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

**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".              |