

2014 No. 1309

ENVIRONMENTAL PROTECTION

**The Non-Road Mobile Machinery (Emission of Gaseous and
Particulate Pollutants) (Amendment) Regulations 2014**

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| <i>Made</i> | - - - - | <i>20th May 2014</i> |
| <i>Laid before Parliament</i> | | <i>28th May 2014</i> |
| <i>Coming into force</i> | - - | <i>24th June 2014</i> |

The Secretary of State 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 the European Communities Act 1972 in relation to the environment.

Citation and commencement

1. These Regulations may be cited as the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) (Amendment) Regulations 2014 and come into force on 24th June 2014.

Amendment of Regulations

2. The Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999(c) are amended in accordance with regulations 3 and 4.

Amendment of regulation 2 (interpretation)

3. In regulation 2(1)(a)(d) for the words “European Parliament and Council Directive 2011/88/EU”(e) substitute “Commission Directive 2012/46/EU”(f).

(a) 1972 c.68; section 2(2) of the European Communities Act 1972 was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(b) S.I. 2008/301.

(c) S.I. 1999/1053; relevant amending instruments are S.I. 2002/1649, S.I. 2004/2034, S.I. 2006/29, S.I. 2008/2011, S.I. 2011/1043, S.I. 2011/2134 and S.I. 2013/1687.

(d) Paragraph 1(a) defines the term “Directive 97/68/EC”. That Directive has been amended by Commission Directive 2001/63/EC (OJ No L 227, 23.08.2001, p41), European Parliament and Council Directive 2002/88/EC (OJ No L 35, 11.02.2003, p28), European Parliament and Council Directive 2004/26/EC (OJ No L 146, 30.04.2004, p1), Council Directive 2006/105/EC (OJ No L 363, 20.12.2006, p368), European Parliament and Council Regulation (EC) No 596/2009 (OJ No L 188, 18.07.2009, p14), Commission Directive 2010/26/EU (OJ No L 86, 01.04.2010, p29), European Parliament and Council Directive 2011/88/EU (OJ No L 305, 23.11.2011, p1), and Commission Directive 2012/46/EU (OJ No L 353, 21.12.2012, p80). 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 No L 325, 21.12.2000, p29).

(e) OJ No L 305, 23.11.2011, p1.

(f) OJ No L 353, 21.12.2012, p80.

Amendment of Schedule 9 (CI Engines: Exemptions and Transitional Provisions)

4. In Part 2 of Schedule 9, after sub-paragraph (2) of paragraph 8, add—

“(3) In relation to CI engines which fall within categories H, I, J or K, the type approvals specified in sections 3.1, 3.2 and 3.3 of Annex 12 shall be regarded as being equivalent to a type approval issued in accordance with these Regulations so long as the engine has affixed to it any markings that are specified by the relevant type approval.

(4) In relation to CI engines which fall within categories L, M, N or P, the type approvals specified in sections 4.1, 4.2 and 4.3 of Annex 12 shall be regarded as being equivalent to a type approval issued in accordance with these Regulations so long as the engine has affixed to it any markings that are specified by the relevant type approval.

(5) In relation to CI engines which fall within categories Q or R, the type approvals specified in sections 5.1 and 5.2 of Annex 12 shall be regarded as being equivalent to a type approval issued in accordance with these Regulations so long as the engine has affixed to it any markings that are specified by the relevant type approval.”

Signed by the authority of the Secretary of State

20th May 2014

Baroness Kramer
Minister of State for Transport
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 (S.I. 1999/1053) (“the 1999 Regulations”) implemented Directive 97/68/EC 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 (OJ No L 59, 27.2.1998, p1). Directive 97/68/EC has been amended by Directive 2012/46/EU of the European Parliament and of the Council of 21st December 2012 (OJ No L 353, 21.12.2012, p80). These Regulations amend the 1999 Regulations so as to implement the amendments made by Directive 2012/46/EU.

Directive 2012/46/EU amended Annexes I, II, III, VI, VII, XI and XII of Directive 97/68/EC. The amendments put in place some detailed requirements that are necessary to ensure that the emissions reduction devices fitted to engines type approved to the Stage IV standard that was introduced into Directive 97/68/EC by Directive 2004/26/EC (OJ No L 146, 30.04.2004, p1), and to which new engine types in some categories now have to be approved, will perform as intended in service. In addition, the amendments extend the list of alternative type approvals that are to be recognised as equivalent to type approvals granted under the terms of Directive 97/68/EU, and improves the clarity of the labels used on small spark-ignition engines.

Regulation 3 amends the definition of Directive 97/68/EC in the 1999 Regulations to ensure that any reference to that Directive is to the Directive as amended by instruments up to and including Directive 2012/46/EU.

Regulation 4 transposes Article 1(7) of Directive 2012/46/EU which replaces Annex XII of Directive 97/68/EC. It amends the list of alternative type approvals that are to be recognised as equivalent to type approvals granted under the terms of Directive 97/68/EC in Schedule 9 to the

1999 Regulations by inserting new paragraphs 8(3), 8(4) and 8(5). These include engines meeting the Stage IV standard, for which no equivalent type approvals were previously listed.

An impact assessment of the Stage IV standard was carried out in January 2006, which included the costs associated with the elements of the Stage IV standard introduced by Directive 2012/46/EU, and is available from the International Vehicle Standards Division, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR (telephone 020 7944 2116). The Explanatory Memorandum and Transposition Note that accompany this instrument are published alongside it at <http://www.legislation.gov.uk>. The Directives referred to in this Explanatory Note may be viewed on the EUR-lex website at <http://eur-lex.europa.eu>.

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