



STATUTORY INSTRUMENTS.

**S.I. No. 263 of 2011**

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EUROPEAN COMMUNITIES (CONTROL OF EMISSIONS OF  
GASEOUS AND PARTICULATE POLLUTANTS FROM NON-ROAD  
MOBILE MACHINERY) (AMENDMENT) REGULATIONS 2011

**(Prn. A11/0922)**

EUROPEAN COMMUNITIES (CONTROL OF EMISSIONS OF  
GASEOUS AND PARTICULATE POLLUTANTS FROM NON-ROAD  
MOBILE MACHINERY) (AMENDMENT) REGULATIONS 2011

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by Section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Directive 97/68/EC<sup>1</sup>, as amended by Directive 2010/26/EU<sup>2</sup> of the European Parliament and of the Council 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 hereby make the following Regulations—

*Citation*

1. (1) These Regulations may be cited as the European Communities (Control of Emissions of Gaseous and Particulate Pollutants from Non-Road Mobile Machinery) (Amendment) Regulations 2011.

(2) The Principal Regulations and these Regulations may be cited together as the European Communities (Control of Emissions of Gaseous and Particulate Pollutants from Non-Road Mobile Machinery) Regulations 2007 and 2011.

*Entry into Force*

2. These Regulations shall come into effect on 31 May 2011.

*Definitions*

3. (1) In these Regulations—

“Principal Regulations” means the European Communities (Control of Emissions of Gaseous and Particulate Pollutants from Non-Road Mobile Machinery) Regulations 2007 (S.I. No. 147 of 2007).

(2) In these Regulations—

(a) any reference to a Regulation or paragraph which is not otherwise identified is a reference to a Regulation or paragraph of these Regulations;

(b) any reference to an Annex which is not otherwise identified is a reference to an Annex to the Directive and, for the avoidance of doubt, includes any amendments to the said Annex adopted in accordance with the procedures specified in Article 14 and 14(a) of the Directive; and

<sup>1</sup>OJ L 59, 27.2.1998, p. 1

<sup>2</sup>OJ L 86, 1.4.2010, p. 29

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 7th June, 2011.*

- (c) a letter, word, phrase or symbol which has been assigned a meaning by the Directive has that meaning except where otherwise indicated.

*Amendments to the Principal Regulations*

4. (1) The Principal Regulations are amended—

- (a) in Regulation 2(1), by substituting for the definition of “the Directive”, the following definition:

“ “Directive” means Directive 97/68/EC<sup>1</sup> of the European Parliament and of the Council 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 of 16 December 1997, as amended by Directive 2001/63/EC<sup>3</sup>, Directive 2002/88/EC<sup>4</sup>, Directive 2004/26/EC<sup>5</sup>, Directive 2006/105/EC<sup>6</sup>, Regulation (EC) No. 596/2009<sup>7</sup> and Directive 2010/26/EU<sup>2</sup>,”

- (b) in Regulation 2(2)(b), by substituting “Article 14 and 14(a)” for “Article 14”,

- (c) By inserting after Regulation 36 the following Regulation:

*“Extension of Implementation Dates*

36A. Notwithstanding the above provisions of Regulation 36, an extension of the derogation period is granted until 31 July 2013, within the category of top handle machines, for professional use, multi-positional, hand-held hedge trimmers and top handle tree service chainsaws in which engines of classes SH:2 and SH:3 are installed.”.



Given under the Official Seal of the Minister for the Environment, Community and Local Government,  
10 May 2011.

PHIL HOGAN,  
Minister for the Environment, Community and Local  
Government.

<sup>3</sup>OJ L 227, 23.08.2001, p. 41

<sup>4</sup>OJ L 35, 11.02.2003, p. 28

<sup>5</sup>OJ L 225, 25.06.2004, p. 1

<sup>6</sup>OJ L 363, 20.12.2006, p. 368

<sup>7</sup>OJ L 188, 18.07.2009, p. 14

## EXPLANATORY NOTE

*(This is not part of the instrument and does not purport to be a legal interpretation.)*

These Regulations transpose the provisions of Directive 2010/26/EU, which amends Directive 1997/68/EC relating to the measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery, inland waterway vessels, railcars and locomotives, and to secondary engines fitted into vehicles intended for passenger or goods transport on the road.

The Regulations provide for an extension of the time period derogation for the implementation dates of stage II emission limit requirements for specified engine classes and provide for the update of the Annexes to Directive 1997/68/EC as amended by Directive 2010/26/EU. As Directive 2010/26/EU also provides for the insertion of Section 8 to Appendix 1 of Directive 97/68/EC, these Regulations also provide for the mandatory type approval of electronically controlled engines covered by Directive 97/68/EC.

BAILE ÁTHA CLIATH  
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