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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 27 April 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2018) 2460 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 27.4.2018
amending and correcting Delegated Regulation (EU) 2017/655
supplementing Regulation (EU) 2016/1628 of the European Parliament and
of the Council with regard to monitoring of gaseous pollutant emissions
from in-service internal combustion engines installed in non-road mobile
machinery

Delegations will find attached document C(2018) 2460 final.

Encl.: C(2018) 2460 final



Brussels, 27.4.2018
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COMMISSION DELEGATED REGULATION (EU) .../...

of 27.4.2018

amending and correcting Delegated Regulation (EU) 2017/655 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to monitoring of gaseous pollutant emissions from in-service internal combustion engines installed in non-road mobile machinery

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The term non-road mobile machinery "NRMM" covers a wide range of different machinery, including small handheld equipment (lawn mowers, chain saws,...), construction machinery (excavators, loaders, dozers,...) or agricultural & farming machinery (harvesters, cultivators,...), but also railcars, locomotives and inland waterway vessels.

Type-approval requirements applying to engines installed in NRMM are set out in Directive 97/68/EC of the European Parliament and of the Council¹ which has been repealed by Regulation (EU) 2016/1628 of the European Parliament and of the Council², and its two delegated and one implementing Commission acts which apply as from 1 January 2017 and 3 May 2017 respectively.

The European Commission wishes to further improve the requirements relating to monitoring of gaseous pollutant emissions from in-service internal combustion engines installed in non-road mobile machinery by amending Commission Delegated Regulation (EU) 2017/655³ in line with the experience obtained by industry and Member States with the first type-approvals of engines.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In the preparation of this act, the Commission carried out appropriate consultations at expert level comprising the relevant industrial stakeholders, social partners and Member State experts.

This act has been subject to a public consultation through the Better Regulation Portal from 1 February 2018 to 1 March 2018; no comments have been received.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal basis of this delegated act is Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC

¹ Directive 97/68/EC of the European Parliament and of the Council of 16 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 L 59, 27.2.1998, p. 1)

² Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016, p. 53.)

³ Commission Delegated Regulation (EU) 2017/655 of 19 December 2016 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to monitoring of gaseous pollutant emissions from in-service internal combustion engines installed in non-road mobile machinery (OJ L 102, 13.4.2017, p. 334.)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC⁴, and in particular Article 19(2) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2017/655⁵ lays down, *inter alia*, the procedures for the monitoring of gaseous pollutant emissions from in-service internal combustion engines installed in non-road mobile machinery.
- (2) Pursuant to Table III-1 of Annex III to Regulation (EU) 2016/1628, the mandatory dates of application for EU type-approval and placing on the market of engines of sub-category NRE-v-5 is one year later than for engines of sub-category NRE-v-6.
- (3) Therefore, to facilitate manufacturers of these NRE-v-5 engines of lower power ranges to comply with the limit dates for submitting test results to the approval authorities set out in Delegated Regulation (EU) 2017/655, the required duration of accumulated service of in-service internal combustion engines installed in non-road mobile machinery and tested in the framework of monitoring of gaseous pollutant emissions should be reduced for that sub-category of engines.
- (4) For the purpose of clarity, it should be stated in Appendix 5 of the Annex to Delegated Regulation (EU) 2017/655 that the reference work and reference CO₂ mass used by the manufacturer in the procedures for the calculation of gaseous pollutant emissions for an engine type, or any engine type within the same engine family, are those specified in the addendum of the EU type-approval certificate of the engine type, or the engine

⁴ OJ L 252, 16.9.2016, p. 53.

⁵ Commission Delegated Regulation (EU) 2017/655 of 19 December 2016 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to monitoring of gaseous pollutant emissions from in-service internal combustion engines installed in non-road mobile machinery (OJ L 102, 13.4.2017, p. 334).

family, in accordance with the template set out in Annex IV to Commission Implementing Regulation (EU) 2017/656⁶.

- (5) To avoid mistakes in the rounding of gaseous pollutant emissions calculations, it should be clarified that the applicable exhaust emissions limit values are set out in Article 18(2) of Regulation (EU) 2016/1628.
- (6) To ensure the internal consistency of the Delegated Regulation (EU) 2017/655 and to align it with Commission Delegated Regulation (EU) 2017/654⁷, certain measurement units should be revised.
- (7) Following the publication of Delegated Regulation (EU) 2017/655, errors of different types, including incorrect assignment of responsibilities and mistakes in certain equations, have been detected and need to be corrected.
- (8) Delegated Regulation (EU) 2017/655 should therefore be amended and corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2017/655

- (1) the following Article 3a is inserted:

'Article 3a

Transitional provisions

1. Notwithstanding the application of the provisions of this Regulation, as amended by Commission Delegated Regulation (EU) 2018/ [OJ Please insert the number of this Regulation], approval authorities shall, until 31 December 2018, also continue to grant EU type-approvals to engine types or engine families in accordance with this Regulation, in its version applicable on [OJ Please insert the date immediately preceding the date of entry into force of this Regulation].";
 2. Notwithstanding the application of the provisions of this Regulation, as amended by Commission Delegated Regulation (EU) 2018/ [Please insert the number of this Regulation], the Member States shall, until 30 June 2019, also permit the placing on the market of engines based on an engine type approved in accordance with this Regulation, in its version applicable on [OJ Please insert the date immediately preceding the date of entry into force of this Regulation].";
- (2) The Annex to Delegated Regulation (EU) 2017/655 is amended in accordance with Annex I to this Regulation.

⁶ Commission Implementing Regulation (EU) 2017/656 of 19 December 2016 laying down the administrative requirements relating to emission limits and type-approval of internal combustion engines for non-road mobile machinery in accordance with Regulation (EU) 2016/1628 of the European Parliament and of the Council (OJ L 102, 13.4.2017, p. 364)

⁷ Commission Delegated Regulation (EU) 2017/654 of 19 December 2016 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to technical and general requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery (OJ L 102, 13.4.2017, p. 1).

Article 2

Corrections to Delegated Regulation (EU) 2017/655

The Annex to Delegated Regulation (EU) 2017/655 is corrected in accordance with Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27.4.2018

For the Commission
The President
Jean-Claude JUNCKER