
EUROMOT POSITION

16 December 2014



Potential amendment for COM(2014) 581 to provide legislative certainty in the use of existing 97/68/EC exemptions prior to commencement of stage V

Article 10 of 97/68/EC contains a number of exemptions, such as exempting engines for use by the armed services, small volume allowance for SI engine manufacturers, authorisation to use a 'flexible scheme', and exempting replacement engines, including the authorisation for approval authorities to issue the necessary derogations for locomotive and railcar replacement engines.

It is understood that these exemptions are intended to continue to apply during the transition from 97/68/EC up to the date that stage V commences for each applicable engine category, however this does not appear to be stated explicitly in the text of COM(2014) 581. There is consequently a risk that some parties could consider that these exemptions end with the repeal of 97/68/EC with effect from 01 January 2017, leaving a gap until stage V commences.

The intent of this proposal is to provide legislative certainty by explicitly permitting existing exemptions to be issued and used until stage V commences.

(Amendment proposal in detail provided on the next page)

EUROMOT – 2014-12-16

For more information please contact:

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ENGINE IN SOCIETY

A European Interest Representative (EU Transparency Register Id. No. 6284937371-73)

A Non Governmental Organisation in observer status with the UN Economic Commission for Europe (UNECE) and the International Maritime Organisation (IMO)

CHAPTER XIV, *FINAL PROVISIONS*, Article 57, Transitional provisions*Text proposed by the Commission*

1. Without prejudice to the provisions in Chapters II and III, this Regulation shall not invalidate, before the dates for placing on the market of engines referred to in Annex III, any EU type-approval.

2. Approval authorities may continue to grant type-approvals in accordance with the relevant legislation applicable on the date of entry into force of this Regulation until the mandatory dates for the EU type-approval of engines referred to in Annex III.

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Amendment

1. Without prejudice to the provisions in Chapters II and III, this Regulation shall not invalidate, before the dates for placing on the market of engines referred to in Annex III, any EU type-approval **or exemption**.

2. Approval authorities may continue to grant type-approvals **and exemptions** in accordance with the relevant legislation applicable on the date of entry into force of this Regulation until the mandatory dates for the EU type-approval of engines referred to in Annex III.

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Justification

Prior to the commencement of stage V the transition provisions of the proposed regulation enables approval authorities to continue to grant type approvals, and for manufacturers to place engines on the market, according to the existing legislation (97/68/EC) in order to ensure there is no gap in the supply of non-road engines. The proposed amendment necessarily provides similar legislative certainty for the use of the exemptions in Article 10 of 97/68/EC during the same period.

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