VERŻJONI ELETTRONIKA

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Taqsima B

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PRODUCT SAFETY ACT (CAP. 427)

Measures Against the Emission of Gaseous and Particulate Pollutants from Internal Combustion Engines to be Installed in Non-Road Mobile Machinery Regulations, 2013

IN exercise of the powers conferred by article 38 and 40 of the Product Safety Act, the Minister for Fair Competition, Small Business and Consumers, on the advice of the Malta Competition and Consumer Affairs Authority, has made the following regulations:-

Citation and implementation.

1. (1) The title of these regulations is the Measures Against the Emission of Gaseous and Particulate Pollutants from Internal Combustion Engines to be Installed in Non-Road Mobile Machinery Regulations, 2013.

(2) These regulations implement the following requirements:

(a) 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;

(b) Directive 2001/63/EC of 17 August 2001 adapting to technical progress Directive 97/68/EC 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;

(c) Directive 2002/88/EC of the European Parliament and of the Council of 9 December 2002 amending Directive 97/68/EC 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;

(d) Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2004 amending Directive 97/68/EC 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;

(e) Directive 2006/105/EC of 20 November 2006 adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of environment, by reason of the accession of Bulgaria and Romania;

(f) Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny;

(g) Directive 2010/26/EU of 31 March 2010 amending Directive 97/68/EC 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;

(h) Directive 2011/88/EU of the European Parliament and of the Council of 16 November 2011 amending Directive 97/68/EC as regards the provisions for engines placed on the market under the flexibility scheme.

Scope.

2. These regulations set the emission standards and type-approval procedures for engines to be installed in non-road mobile machinery.

Definitions.

3. For the purposes of these regulations the following definitions shall apply:

"approval authority" means the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority, hereinafter referred to as the approval authority in Malta, or its equivalent authority in another Member State and is responsible for all aspects of type-approval of an engine or of an engine family, for issuing and withdrawing approval certificates, for serving as the contact point with the approval authorities of the other Member States, and for verifying the manufacturer's conformity of production arrangements;

"emission durability period" means the number of hours indicated in Schedule IV, Appendix 4, used to determine the deterioration factors;

"engine family" means a manufacturer’s grouping of engines which, through their design, are expected to have similar exhaust emission characteristics and which comply with the requirements of these regulations;

"engine power output" means net power as specified in section 2.4 of Schedule I;

"engine production date" means the date when the engine passes the final check after it has left the production line. At this stage the engine is ready to be delivered or to be put on stock;

"engine type" means a category of engines which do not differ in such essential engine characteristics as specified in Schedule II, Appendix 1;

"flexibility scheme" means the procedure allowing an engine manufacturer to place on the market, during the period between two successive stages of limit values, a limited number of engines, to be installed in non-road mobile machinery, that only comply with the previous stage of emission limit values;

"hand-held engine" means an engine that meets at least one of the following requirements:

(a) the engine must be used in a piece of equipment that is carried by the operator throughout the performance of its intended function(s);

(b) the engine must be used in a piece of equipment that must operate multipositionally, such as upside down or sideways, to complete its intended function(s);

(c) the engine must be used in a piece of equipment for which the combined engine and equipment dry weight is under 20 kilograms and at least one of the following attributes is also present:

(i) the operator must alternatively provide support or carry the equipment throughout the performance of its intended function(s);

(ii) the operator must provide support or attitudinal control for the equipment throughout the performance of its intended function(s);

(iii) the engine must be used in a generator or a pump;

"index to the information package" means the document in which the contents of the information package, suitably numbered or otherwise marked to clearly identify all pages, are listed;

"information document" means the document set out in Schedule II that prescribes the information to be supplied by an applicant;

"information folder" means the total folder or file of data, drawings, photographs, etc., supplied by the applicant to the technical service or the approval authority as prescribed in the information document;

"information package" means the information folder plus any test reports or other documents that the technical service or the approval authority have added to the information folder in the course of carrying out their functions;

"inland waterway vessel" means a vessel intended for use on inland waterways having a length of 20 metres or more and having a volume of 100 m^3 or more according to the formula defined in Schedule I, Section 2, point 2.8a, or tugs or pusher craft having been built to tow or to push or to move alongside vessels of 20 metres or more.

This definition does not include:

- vessels intended for passenger transport carrying no more that 12 people in addition to the crew,

- recreational craft with a length of less than 24 metres (as defined in Article 1(2) of Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft,

- service craft belonging to supervisory authorities,

- fire-service vessels,

- naval vessels,

- fishing vessels on the fishing vessels register of the Community,

- sea-going vessels, including sea-going tugs and pusher craft operating or based on tidal waters or temporarily on inland waterways, provided that they carry a valid navigation or safety certificate as defined in Schedule I, Section 2, point 2.8b;

"manufacturer" means the person or body who is responsible to the approval authority for all aspects of the type-approval process and

for ensuring conformity of production. It is not essential that the person or body is directly involved in all stages of the construction of the engine;

"non-hand-held engine" means an engine which does not fall under the definition of a hand-held engine;

"non-road mobile machinery" means any mobile machine, transportable industrial equipment or vehicle with or without body work, not intended for the use of passenger- or goods-transport on the road, in which an internal combustion engine as specified in Schedule I, section 1, is installed;

"original equipment manufacturer (OEM)" means a manufacturer of a type of non-road mobile machine;

"parent engine" means an engine selected from an engine family in such a way that it complies with the requirements set out in sections 6 and 7 of Schedule I;

"placing on the market" means the action of making an engine available for the first time on the market, for payment or free of charge, with a view to distribution and, or use in the Community;

"professional use multipositional hand-held engine" means a hand-held engine which meets the requirements of both paragraph (a) and (b) of the definition of hand-held engine and in relation to which the engine manufacturer has satisfied an approval authority that a Category 3 Emissions Durability Period (according to section 2.1 of Appendix 4 to Schedule IV) would be applicable to the engine;

"replacement engine" means a newly built engine to replace an engine in a machine, and which has been supplied for this purpose only;

"small volume engine family" means a spark-ignition (SI) engine family with a total yearly production of fewer than 5 000 units;

"small volume engine manufacturer of SI engine" means a manufacturer with a total yearly production of fewer than 25 000 units;

"technical service" means the organization(s) or body(ies) that has(have) been appointed as a testing laboratory to carry out tests or inspections on behalf of the approval authority of a Member State. This function may also be carried out by the approval authority itself;

"type-approval" means the procedure whereby the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority, hereinafter referred to as the approval authority in Malta, or its equivalent authority in another Member State certifies that an internal combustion engine type or engine family with regard to the level of emission of gaseous and particulate pollutants by the engine(s), satisfies the relevant technical requirements of these regulations.

Application for type-approval.

4. (1) An application for engine or engine family type-approval shall be submitted by the manufacturer to the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority. An application shall be accompanied by an information folder, the contents of which are given in the information document in Schedule II. An engine conforming to the engine type characteristics described in Schedule II, Appendix 1, shall be submitted to the technical service responsible for conducting the approval tests.

(2) In the case of an application for type-approval of an engine family, if the approval authority determines that, with regard to the selected parent engine, the submitted application does not fully represent the engine family described in Schedule II, Appendix 2, an alternative and, if necessary, an additional parent engine which is determined by the approval authority shall be provided for approval according to sub-regulation (1).

(3) No application in respect of one engine type or engine family may be submitted to more than one Member State. A separate application shall be submitted for each engine type or engine family to be approved.

Type-approval procedure.

5. (1) When receiving an application, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall grant type-approval to all engine types or engine families which conform to the particulars in the information folder and which meet the requirements of these regulations.

(2) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall complete all applicable sections of the type-approval certificate, the model being given in Schedule VII, for each engine type or engine family which it approves and shall compile or verify the contents of the index to the information package. Type-approval certificates shall be numbered in accordance with the method described in Schedule VIII. The completed type-approval certificate and its attachments shall be delivered to the applicant.

(3) Where the engine to be approved fulfils its function or offers a specific feature only in conjunction with other parts of the non-road mobile machinery, and for this reason compliance with one or more requirements can be verified only when the engine to be approved operates in conjunction with other machinery parts, whether real or simulated, the scope of the type-approval of the engine(s) must be restricted accordingly. The type-approval certificate for an engine type or engine family shall then include any restrictions on its use and shall indicate any conditions for fitting it.

(4) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall:

(a) send monthly to the approval authorities of the other Member States a list (containing the particulars shown in Schedule IX) of the engine and engine family type-approvals it has granted, refused to grant or withdrawn during that month;

(b) on receiving a request from the approval authority of another Member State, send forthwith:

(i) a copy of the engine or engine family type-approval certificate with/without information package for each engine type or engine family which it has approved or refused to approve or withdrawn, and, or

(ii) the list of engines produced according to type-approvals granted, as described in regulation 7(3), containing the particulars shown in Schedule X, and, or

(iii) a copy of the declaration described in regulation 7(4).

(5) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall yearly, or in addition on receiving a corresponding application, send the Commission a copy of the data sheet as shown in Schedule XI related to the engines approved since the last notification was made.

(6) Compression ignition engines for use other than in the propulsion of railcars and inland waterway vessels may be placed on the market under a flexibility scheme in accordance with the procedure referred to in Schedule XIII in addition to sub-regulations (1) to (5).

Amendments to approvals.

6. (1) When granting a type-approval, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority must take the necessary measures to ensure that it is

informed of any change in the particulars appearing in the information package.

(2) The application for the amendment or extension of a type-approval shall be submitted exclusively to the approval authority of the Member State which granted the original type-approval.

(3) If particulars appearing in the information package have changed, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall:

(a) issue revised page(s) of the information package as necessary, marking each revised page to show clearly the nature of the change and the date of re-issue. Wherever revised pages are issued, the index to the information package (which is attached to the type-approval certificate) shall also be amended to show the latest dates of revised pages, and

(b) issue a revised type-approval certificate (denoted by an extension number) if any information on it (excluding its attachments) has changed or if the standards of these regulations have changed since the date currently on the approval. The revised certificate shall show clearly the reason for revision and the date of re-issue.

If the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority finds that an amendment to an information package warrants fresh tests or checks, it shall inform the manufacturer thereof and issue the documents mentioned above only after the conduct of successful fresh tests or checks.

Conformity.

7. (1) The manufacturer shall affix to each unit manufactured in conformity with the approved type the markings as defined in section 3 of Schedule I, including the type-approval number.

(2) Where the type-approval certificate, in accordance with regulation 5(3), includes restrictions on use, the manufacturer shall deliver with each unit manufactured, detailed information on these restrictions and shall indicate any conditions for fitting it. Where a series of engine types is delivered to one single manufacturer of machinery, it is sufficient that he will be provided with only one such information document, at the latest on the delivery date of the first engine, which additionally lists the relevant engine identification numbers.

(3) The manufacturer shall send on demand to the approval authority which granted the type-approval, within forty-five days

after the end of each calendar year, and without delay after each application date when the requirements of thee regulations change, and immediately following each additional date the authority may stipulate, a list which contains the range of identification numbers for each engine type produced in accordance with the requirements of these regulations since the last reporting was made, or since the requirements of these regulations were first applicable. Where not clarified by the engine coding system, this list must specify correlations of the identification numbers to the corresponding engine types or engine families and to the type-approval numbers. Additionally, this list must contain particular information if the manufacturer ceases to produce an approved engine type or engine family. Where this list is not required to be regularly sent to the approval authority, the manufacturer must maintain these records for a minimum period of twenty years.

(4) The manufacturer shall send to the approval authority which granted the type-approval, within forty-five days after the end of each calendar year and at each application date referred to in regulation 11, a declaration specifying the engine types and engine families together with the relevant engine identification codes for those engines he intends to produce from this date on.

(5) Compression ignition engines placed on the market under a flexible scheme shall be labelled in accordance with Schedule XIII.

Acceptance of equivalent approvals.

8. The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall accept type-approvals and, where applicable, the pertaining approval marks listed in Schedule XII as being in conformity with these regulations.

Inland waterway vessels.

9. (1) The following provisions shall apply to engines to be installed in inland waterway vessels. Sub-regulation (2) shall not apply until the equivalence between the requirements established by these regulations and those established in the framework of the Mannheim Convention for the Navigation of the Rhine is recognised by the Central Commission of Navigation on Rhine (hereinafter: CCNR) and the Commission is informed thereof.

(2) As from 1 July 2007 and until the entry into force of a further set of limit values which would result from further amendments to these regulations, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority may not refuse the placing on the market of engines which meet the requirements established by CCNR stage II, the emission limit values for which are set out in Schedule XV.

(3) For the purposes of these regulations, as far as inland waterway vessels are concerned, any auxiliary engine with a power of more than 560 kW shall be subject to the same requirements as propulsion engines.

Placing on the market.

10. (1) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority may not refuse the placing on the market of engines, whether or not already installed in machinery, which meet the requirements of these regulations.

(2) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall only permit placing on the market of new engines, whether or not already installed in machinery, which meet the requirements of these regulations.

(3) Member States shall not issue the Community Inland Water Navigation certificate established by Council Directive 82/714/EC of 4 October 1982 laying down technical requirements for inland waterway vessels to any vessels whose engines do not meet the requirements of these regulations.

(4) Upon granting a type-approval, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall take the necessary measures in relation to that approval to register and control, if need be in cooperation with the approval authorities of the other Member States, the identification numbers of those engines produced in conformity with the requirements of these regulations.

(5) An additional control of the identification numbers may take place in conjunction with the control of conformity of production as described in regulation 14.

(6) With regard to the control of the identification numbers, the manufacturer or his agents established in the Community shall without delay give, on request, to the responsible approval authority all the information needed related to his/their purchasers together with the identification numbers of the engines reported as produced in accordance with regulation 7(3). Where engines are sold to a manufacturer of machinery, further information is not required.

(7) If, at the request of the approval authority, the manufacturer is not able to verify the requirements as specified in regulation 7 particularly in conjunction with sub-regulation (5) of this regulation, the approval granted in respect of the corresponding engine type or family pursuant to these regulations may be

withdrawn. The information procedure shall then be carried out as described in regulation 15.

Timetable: compression ignition engines.

11. The timetable for the grant of type-approvals for compression ignition engines shall be the following:

Grant of type-approvals.

(1) After 30 June 1998, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority may not refuse to grant type-approval for an engine type or engine family or to issue the document as described in Schedule VII, and may not impose any other type-approval requirements with regard to air-polluting emissions for non-road mobile machinery in which an engine is installed, if the engine meets the requirements specified in these regulations as regards the emissions of gaseous and particulate pollutants.

Type-approvals Stage I.

(2) Engine categories A/B/C

The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for an engine type or engine family and to issue the document as described in Schedule VII, and shall refuse to grant any other type-approval for non-road mobile machinery in which an engine is installed:

after 30 June 1998 for engines of a power output:

- A: 130 kW ≤ P ≤ 560 kW,
- B: 75 kW ≤ P < 130 kW,
- C: 37 kW ≤ P < 75 kW,

if the engine fails to meet the requirements specified in these regulations and where the emissions of gaseous and particulate pollutants from the engine do not comply with the limit values as set out in the table in section 4.1.2.1 of Schedule I.

Type-approvals Stage II.

(3) Engine categories: D, E, F, G

The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for an engine type or engine family and to issue the document as described in Schedule VII and shall refuse to grant any other type-approval for non-road mobile machinery, in which an engine, not already placed on the market, is installed:

- D: after 31 December 1999 for engines of a power

output: 18 kW ≤ P < 37 kW,

- E: after 31 December 2000 for engines of a power output: 130 kW ≤ P ≤ 560 kW,

- F: after 31 December 2001 for engines of a power output: 75 kW ≤ P < 130 kW,

- G: after 31 December 2002 for engines of a power output: 37 kW ≤ P < 75 kW,

if the engine fails to meet the requirements specified in these regulations and where the emissions of gaseous and particulate pollutants from the engine do not comply with the limit values as set out in the table in section 4.1.2.3 of Schedule I.

Type-approval of Stage III A engines.

(3a) Engine categories H, I, J and K

The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for the following engine types or families and to issue the document as described in Schedule VII, and shall refuse to grant any other type-approval for non- road mobile machinery in which an engine, not already placed on the market, is installed:

- H: after 30 June 2005 for engines - other than constant speed engines - of a power output: 130 kW ≤ P ≤ 560 kW,

- I: after 31 December 2005 for engines - other than constant speed engines - of a power output: 75 kW ≤ P < 130 kW,

- J: after 31 December 2006 for engines - other than constant speed engines - of a power output: 37 kW ≤ P < 75 kW,

- K: after 31 December 2005 for engines - other than constant speed engines - of a power output: 19 kW ≤ P < 37 kW,

where the engine fails to meet the requirements specified in these regulations and where the emissions of particulate and gaseous pollutants from the engine do not comply with the limit values as set out in the table in section 4.1.2.4 of Schedule I.

Type-approval of Stage III A constant speed engines.

(3b) Engine categories H, I, J and K

The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval

for the following engine types or families and to issue the document as described in Schedule VII, and shall refuse to grant any other type-approval for non- road mobile machinery in which an engine, not already placed on the market, is installed:

- Constant speed H engines: after 31 December 2009 for engines of a power output: 130 kW ≤ P < 560 kW,

- Constant speed I engines: after 31 December 2009 for engines of a power output: 75 kW ≤ P < 130 kW,

- Constant speed J engines: after 31 December 2010 for engines of a power output: 37 kW ≤ P < 75 kW,

- Constant speed K engines: after 31 December 2009 for engines of a power output: 19 kW ≤ P < 37 kW,

where the engine fails to meet the requirements specified in these regulations and where the emissions of particulate and gaseous pollutants from the engine do not comply with the limit values set out in the table in Section 4.1.2.4 of Schedule I.

(3c) Engine categories L, M, N and P

Type-approval of Stage III B engines.

The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for the following engine types or families and to issue the document as described in Schedule VII, and shall refuse to grant any other type-approval for non- road mobile machinery in which an engine, not already placed on the market, is installed:

- L: after 31 December 2009 for engines - other than constant speed engines - of a power output: 130 kW ≤ P ≤ 560 kW,

- M: after 31 December 2010 for engines - other than constant speed engines - of a power output: 75 kW ≤ P < 130 kW,

- N: after 31 December 2010 for engines - other than constant speed engines - of a power output: 56 kW ≤ P < 75 kW,

- P: after 31 December 2011 for engines - other than constant speed engines - of a power output: 37 kW ≤ P < 56 kW,

where the engine fails to meet the requirements specified in these regulations and where the emissions of particulate and gaseous pollutants from the engine do not comply with the limit values set out

in the table in Section 4.1.2.5 of Schedule I.

Type-approval of Stage IV engines.

(3d) Engine categories Q and R

The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for the following engine types or families and to issue the document as described in Schedule VII, and shall refuse to grant any other type-approval for non- road mobile machinery in which an engine, not already placed on the market, is installed:

- Q: after 31 December 2012 for engines - other than constant speed engines - of a power output: 130 kW ≤ P ≤ 560 kW,

- R: after 30 September 2013 for engines - other than constant speed engines - of a power output: 56 kW ≤ P < 130 kW,

where the engine fails to meet the requirements specified in these regulations and where the emissions of particulate and gaseous pollutants from the engine do not comply with the limit values set out in the table in Section 4.1.2.6 of Schedule I.

Type-approval of Stage III A propulsion engines used in inland waterway vessels.

(3e) Engine categories V

The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for the following engine types or families and to issue the document as described in Schedule VII:

- V1:1: after 31 December 2005 for engines of power output at or above 37 kW and swept volume below 0,9 litres per cylinder,

- V1:2: after 30 June 2005 for engines with swept volume at or above 0,9 but below 1,2 litres per cylinder,

- V1:3: after 30 June 2005 for engines with swept volume at or above 1,2 but below 2,5 litres per cylinder and an engine power output of: 37 kW ≤ P < 75 kW,

- V1:4: after 31 December 2006 for engines with swept volume at or above 2,5 but below 5 litres per cylinder,

- V2: after 31 December 2007 for engines with swept volume at or above 5 litres per cylinder,

where the engine fails to meet the requirements specified in this these regulations and where the emissions of particulate and gaseous pollutants from the engine do not comply with the limit values as set out in the table in section 4.1.2.4 of Schedule I.

Type-approval of Stage III A propulsion engines used in railcars.

(3f) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for the following engine types or families and to issue the document as described in Schedule VII:

- RC A: after 30 June 2005 for engines of power output above 130 kW

where the engine fails to meet the requirements specified in these regulations and where the emissions of particulate and gaseous pollutants from the engine do not comply with the limit values as set out in the table in section 4.1.2.4 of Schedule I.

Type-approval of Stage IIIB propulsion engines used in railcars.

(3g) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for the following engine types or families and to issue the document as described in Schedule VII:

- RC B: after 31 December 2010 for engines of power output above 130 kW

where the engine fails to meet the requirements specified in these regulations and where the emissions of particulate and gaseous pollutants from the engine do not comply with the limit values as set out in the table in section 4.1.2.5 of Schedule I.

Type-approval of Stage III A propulsion engines used in locomotives.

(3h) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for the following engine types or families and to issue the document as described in Schedule VII:

- RL A: after 31 December 2005 for engines of power output: 130 kW $\leq$ P $\leq$ 560 kW

- RH A: after 31 December 2007 for engines of power output: 560 kW < P

where the engine fails to meet the requirements specified in these regulations and where the emissions of particulate and gaseous pollutants from the engine do not comply with the limit values as set out in the table in section 4.1.2.4 of Schedule I. The provisions of this paragraph shall not apply to the engine types and families referred to where a contract has been entered into to purchase the engine before

20 May 2004 and provided that the engine is placed on the market no later than two years after the applicable date for the relevant category of locomotives.

Type-approval of Stage III B propulsion engines used in locomotives.

(3i) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for the following engine types or families and to issue the document as described in Schedule VII:

- R B: after 31 December 2010 for engines of power output above 130 kW

where the engine fails to meet the requirements specified in these regulations and where the emissions of particulate and gaseous pollutants from the engine do not comply with the limit values as set out in the table in section 4.1.2.5 of Schedule I. The provisions of this paragraph shall not apply to the engine types and families referred to where a contract has been entered into to purchase the engine before 20 May 2004 and provided that the engine is placed on the market no later than two years after the applicable date for the relevant category of locomotives.

C1 - Placing on the market: Engine production dates.

(4) After the dates referred to hereafter, with the exception of machinery and engines intended for export to third countries, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall permit the placing on the market of engines, whether or not already installed in machinery, only if they meet the requirements of these regulations, and only if the engine is approved in compliance with one of the categories as defined in sub-regulations (2) and (3).

Stage I

- category A: 31 December 1998
- category B: 31 December 1998
- category C: 31 March 1999

Stage II

- category D: 31 December 2000
- category E: 31 December 2001
- category F: 31 December 2002
- category G: 31 December 2003

Nevertheless, for each category, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority may postpone each date mentioned in the above requirement for two years in respect of engines with a production date prior to the said date.

The permission granted for stage I-engines shall be terminated with effect from the mandatory implementation of stage II.

(4a) Without prejudice to regulation 9 and to sub-regulations (3g) and (3h) of this regulation, after the dates referred to hereafter, with the exception of machinery and engines intended for export to third countries, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall permit the placing on the market of engines, whether or not already installed in machinery, only if they meet the requirements of these regulations, and only if the engine is approved in compliance with one of the categories as defined in sub-regulations (2) and (3).

Stage III A other than constant speed engines:

- category H: 31 December 2005
- category I: 31 December 2006
- category J: 31 December 2007
- category K: 31 December 2006

Stage III A inland waterway vessel engines:

- category V1:1: 31 December 2006
- category V1:2: 31 December 2006
- category V1:3: 31 December 2006
- category V1:4: 31 December 2008
- categories V2: 31 December 2008.

Stage III A constant speed engines:

- category H: 31 December 2010
- category I: 31 December 2010
- category J: 31 December 2011

- category K: 31 December 2010

Stage III A railcar engines:

- category RC A: 31 December 2005

Stage III A locomotive engines:

- category RL A:31 December 2006

- category RH A:31 December 2008

Stage III B other than constant speed engines:

- category L: 31 December 2010

- category M: 31 December 2011

- category N: 31 December 2011

- category P: 31 December 2012

Stage III B railcar engines:

- category RC B: 31 December 2011

Stage III B locomotive engines:

- category R B: 31 December 2011

Stage IV other than constant speed engines:

- category Q: 31 December 2013

- category R: 30 September 2014

For each category, the above requirements shall be postponed by two years in respect of engines with a production date prior to the said date.

The permission granted for one stage of emission limit values shall be terminated with effect from the mandatory implementation of the next stage of limit values.

Labelling to indicate early compliance with the standards of Stages IIIA, IIIB and IV.

(4b) For engine types or engine families meeting the limit values set out in the table in section 4.1.2.4, 4.1.2.5 and 4.1.2.6 of Schedule I before the dates laid down in sub-regulation (4), the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall allow special labelling and marking

to show that the equipment concerned meets the required limit values before the dates laid down.

Timetable: Spark ignition engines.

12. (1) Dividing into classes:

For the purpose of these regulations, spark-ignition engines shall be divided into the following classes:

- Main class S: small engines with a net power ≤ 19 kW

The main class S shall be divided into two categories:

- H: engines for hand-held machinery

- N: engines for non-hand-held machinery

Class/category	Displacement (cubic cm)
Hand-held engines Class SH:1	< 20
Class SH:2	≥ 20 < 50
Class SH:3	≥ 50
Non-hand-held engines Class SN:1	< 66
Class SN:2	≥ 66 < 100
Class SN:3	≥ 100 < 225
Class SN:4	≥ 225

Grant of type approvals.

(2) After 11 August 2004, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority may not refuse to grant type-approval for an SI engine type or engine family or to issue the document as described in Schedule VII, and may not impose any other type-approval requirements with regard to air-polluting emissions for non-road mobile machinery in which an engine is installed, if the engine meets the requirements specified in these regulations as regards the emissions of gaseous pollutants.

Type-approvals Stage 1.

(3) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for an engine type or engine family and to issue the documents as described in Schedule VII, and shall refuse to grant any other type-approval for non-road mobile machinery in which an engine is installed after 11 August 2004 if the engine fails to meet the requirements specified in these regulations and where the emissions of gaseous pollutants from the engine do not comply with the limit

values as set out in the table in section 4.2.2.1 of Schedule I.

Type-approvals Stage II.

(4) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall refuse to grant type-approval for an engine type or engine family and to issue the documents as described in Schedule VII, and shall refuse to grant any other type-approval for non-road mobile machinery in which an engine is installed:

- after 1 August 2004 for engine classes SN:1 and SN:2

- after 1 August 2006 for engine class SN:4

- after 1 August 2007 for engine classes SH:1, SH:2 and SN:3

- after 1 August 2008 for engine class SH:3,

if the engine fails to meet the requirements specified in these regulations and where the emissions of gaseous pollutants from the engine do not comply with the limit values as set out in the table in section 4.2.2.2 of Schedule I.

Placing on the market: Engine production dates.

(5) Six months after the dates for the relevant category of engine in paragraphs 3 and 4, with the exception of machinery and engines intended for export to third countries, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall permit placing on the market of engines, whether or not already installed in machinery, only if they meet the requirements of these regulations.

Labelling of early compliance with Stage II.

(6) For engine types or engine families meeting the limit values set out in the table in section 4.2.2.2 of Schedule I, before the dates laid down in point 4 of this regulation, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall allow special labelling and marking to show that the equipment concerned meets the required limit values before the dates laid down.

Exemptions.

(7) The following machinery shall be exempted from the implementation dates of stage II emission limit requirements for a period of three years after the entry into force of those emission limit requirements. For those three years, the stage I emission limit requirements shall continue to apply:

- hand-held chainsaw: a hand-held device designed to cut wood with a saw chain, designed to be supported with two hands and having an engine capacity in excess of 45 cm^3, according to EN ISO 11681-1,

- top handle machine (i.e., hand-held drills and tree service chainsaws): a hand-held device with the handle on top of the machine designed to drill holes or to cut wood with a saw chain (according to ISO 11681-2),

- hand-held brush cutter with an internal combustion engine: a hand- held device with a rotating blade made of metal or plastic intended to cut weeds, brush, small trees and similar vegetation. It must be designed according to EN ISO 11806 to operate multi-positionally, such as horizontally or upside down, and have an engine capacity in excess of 40 cm^3,

- hand-held hedge trimmer: a hand-held device designed for trimming hedges and bushes by means of one or more reciprocating cutter blades, according to EN 774,

- hand-held power cutter with an internal combustion engine: a hand- held device intended for cutting hard materials such as stone, asphalt, concrete or steel by means of a rotating metal blade with a displacement in excess of 50 cm^3, according to EN 1454, and

- non-hand-held, horizontal shaft class SN:3 engine: only those class SN:3 non-hand-held engines with a horizontal shaft that produce power equal to or less than 2,5 kW and are used mainly for select, industrial purposes, including tillers, reel cutters, lawn aerators and generators.

Notwithstanding the first subparagraph, 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.

Optional implementation delay.

(8) Nevertheless, for each category, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority may postpone the dates in sub-regulations (3), (4) and (5) for two years in respect of engines with a production date prior to those dates.

Exemptions and alternative procedures.

13. (1) The requirements of regulation 10(1) and (2), regulation 11(4) and regulation 12(5) shall not apply to:

- engines for use by the armed services,

- engines exempted in accordance with sub-regulations (1a) and (2),

- engines for use in machines intended primarily for

the launch and recovery of lifeboats,

- engines for use in machines intended primarily for the launch and recovery of beach launched vessels.

(1a) Without prejudice to regulation (9) and to regulation 11(3g) and (3h), replacement engines, except for railcar, locomotive and inland waterway vessel propulsion engines, shall comply with the limit values that the engine to be replaced had to meet when originally placed on the market.

(1b) By way of derogation from regulation 11(3g), (3i) and (4a), the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority may authorise the placing on the market of the following engines for railcars and locomotives:

(a) replacement engines that meet the Stage III A limits, where they are to replace engines for railcars and locomotives that:

(i) do not meet the Stage III A standard; or

(ii) meet the Stage III A standard but do not meet the Stage III B standard;

(b) replacement engines that do not meet Stage III A limits, where they are to replace engines for railcars without driving control and not capable of independent movement, so long as such replacement engines meet a standard no lower than the standard met by engines fitted to existing railcars of the same type.

Authorisations under this sub-regulation may be granted only in cases where the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority is satisfied that the use of a replacement engine that meets the requirements of the latest applicable emissions stage in the railcar or locomotive in question will involve significant technical difficulties.

(1c) A label bearing the text ‘REPLACEMENT ENGINE’ and bearing the unique reference of the associated derogation shall be affixed to engines covered by sub-regulation (1a) or (1b).

(2) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority may, at the request of the manufacturer, exempt end-of-series engines which are still in stock, or stocks of non-road mobile machinery in respect of their engines, from the time limit(s) for placing on the market set out in

regulation 11(4) in accordance with the following conditions:

- the manufacturer must submit an application to the approval authorities of that Member State which approved the corresponding engine type(s) or engine family(ies) before the entry into force of the time limit(s),

- the application of the manufacturer must include a list as defined in regulation 7(3) of those new engines which are not placed on the market within the time limit(s); in the case of engines covered by these regulations for the first time, he must submit his application to the type-approval authority of that Member State where the engines are stored,

- the request must specify the technical and/or economic reasons on which it is based,

- the engines must conform to a type or family for which the type-approval is no longer valid, or which did not need a type-approval before, but which have been produced according to the time limit(s),

- the engines must have been physically stored within the Community within the time limit(s),

- the maximum number of new engines of one or more types placed on the market in each Member State by the application of this exemption must not exceed 10% of the new engines of all types concerned placed on the market in that Member State during the previous year,

- if the request is accepted by the Member State, the latter must, within one month, send the approval authorities of the other Member States particulars of, and reasons for, the exemptions granted to the manufacturer,

- the Member State granting exemptions according to this regulation shall be responsible for ensuring that the manufacturer complies with all corresponding obligations,

- the approval authority shall release for each engine in question a certificate of conformity on which a special entry has been made. If applicable a consolidated document that contains all engine identification numbers in question may be used.

The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall each year send the Commission

a list of exemptions granted specifying the reasons.

This option shall be limited to a period of twelve months as from the date on which the engines for the first time were subject to the time limit(s) for placing on the market.

(3) The requirements of regulation 12(4) and (5) shall be postponed by three years for small volume engine manufacturers.

(4) The requirements of regulation12(4) and (5) shall be replaced by the corresponding Stage I requirements for a small volume engine family to a maximum of 25 000 units providing that the various engine families involved all have different cylinder displacements.

(5) Engines may be placed on the market under a flexible scheme in accordance with the provisions in Schedule XIII.

(6) Sub-regulation (2) shall not apply to propulsion engines to be installed in inland waterway vessels.

(7) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall permit the placing on the market of engines, as defined in points A(i), A(ii) and A(v) of Section 1 of Schedule I, under the flexibility scheme in accordance with the provisions set out in Schedule XIII.

Conformity of production arrangements.

14. (1) When the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority grants a type-approval, it shall take the necessary measures to verify, with regard to the specifications laid down in section 5 of Schedule I, if need be in cooperation with the approval authorities of the other Member States, that adequate arrangements have been made to ensure effective control of the conformity of production before it grants type-approval.

(2) The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority, when granting a type-approval, it shall take the necessary measures to verify, with regard to the specifications laid down in section 5 of Schedule I, if need be in cooperation with the approval authorities of the other Member States, that the arrangements referred to in paragraph 1 continue to be adequate and that each production engine bearing a type-approval number pursuant to these regulations continues to conform to the description as given in the approval certificate and its Schedules for the approved engine type or family.

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Non-conformity with the approved type or family.

15. (1) There shall be failure to conform to the approved type or family where deviations from the particulars in the type-approval certificate and/or the information package are found to exist and where these deviations have not been authorized, pursuant to regulation 6(3), by the Member State which granted the type-approval.

(2) If the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority has granted a type-approval and finds that engines accompanied by a certificate of conformity or bearing an approval mark do not conform to the type or family it has approved, it shall take the necessary measures to ensure that the engines in production again conform to the approved type or family. The Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall advise the approval authorities of the other Member States of the measures taken which may, where necessary, extend to withdrawal of type-approval.

(3) If the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority demonstrates that engines bearing a type-approval number do not conform to the approved type or family it may request the Member State which granted the type-approval to verify that engines in production conform to the approved type or family. Such action shall be taken within six months of the date of the request.

(4) The approval authorities of the Member States shall inform each other within one month of any withdrawal of type-approval and of the reasons for such measure.

(5) If the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority granted a type-approval and disputes the failure to conform notified to it, the Technical Regulatory Division of the Malta Competition and Consumer Affairs Authority shall endeavour to settle the dispute. The Commission shall be kept informed and shall, where necessary, hold appropriate consultations for the purpose of reaching a settlement.

Infringements and penalties.

17. (1) Violations of these regulations or provisions and decisions issued in pursuance thereof shall be construed as infringements pursuant to the provisions of the Product Safety Act. Cap. 427

(2) The penalties applicable shall be those provided for in Part IV of the Product Safety Act. Cap. 427.

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