



STATUTORY INSTRUMENTS.

S.I. No. 339 of 2011

EUROPEAN COMMUNITIES (CLEAN AND ENERGY-EFFICIENT
ROAD TRANSPORT VEHICLES) REGULATIONS 2011

(Prn. A11/1168)

EUROPEAN COMMUNITIES (CLEAN AND ENERGY-EFFICIENT ROAD TRANSPORT VEHICLES) REGULATIONS 2011

I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Clean and Energy-Efficient Road Transport Vehicles) Regulations 2011.

Definitions

2. In these Regulations—

“contracting authority” means the State, a local authority (within the meaning of the Local Government Act 2001 (No. 37 of 2001)) or a public authority, or an association comprising one or more local authorities or public authorities, or local authorities and public authorities;

“contracting entity” has the meaning assigned to it by Regulation 3 of the European Communities (Award of Contracts by Utility Undertakings) Regulations 2007 (S.I. No. 50 of 2007);

“Directive” means Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009¹ on the promotion of clean and energy-efficient road transport vehicles;

“operator” means a public transport operator within the meaning of section 2 of the Dublin Transport Authority Act 2008 (No. 15 of 2008);

“public authority” means a body established by or under statute;

“road transport vehicle” means a vehicle covered by the categories listed in Table 3 of the Annex to the Directive.

Application

3. (1) These Regulations apply to a contract for the purchase of a road transport vehicle—

- (a) by contracting authorities and contracting entities to which the European Communities (Award of Public Authorities’ Contracts) Regulations 2006 (S.I. No. 329 of 2006) or the European Communities

¹OJ No. L120, 15.5.2009, p. 5

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th July, 2011.

(Award of Contracts by Utility Undertakings) Regulations 2007 (S.I. No. 50 of 2007), as the case may be, apply,

and

(b) by operators, where the contract is estimated to have a value equal to or greater than €422,000.

(2) These Regulations do not apply to a contract for the purchase of a road transport vehicle which is not a relevant vehicle within the meaning of Regulation 3(1) of the European Communities (Road Vehicles: Type-Approval) Regulations 2009 (S.I. No. 158 of 2009).

Obligations of contracting authorities, contracting entities and operators

4. (1) A contracting authority, contracting entity or operator, when entering into a contract for the purchase of a road transport vehicle—

(a) shall, subject to paragraphs (2) and (3), take into account the operational lifetime energy and environmental impacts of the vehicle, and

(b) may take into account other environmental impacts.

(2) The operational lifetime energy and environmental impacts referred to in paragraph (1)(a) shall include at least the following—

(a) energy consumption,

(b) carbon dioxide emissions, and

(c) emissions of—

(i) oxides of nitrogen,

(ii) non-methane hydrocarbons, and

(iii) particulate matter.

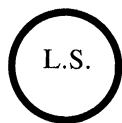
(3) In order to take into account the operational lifetime energy and environmental impacts referred to in paragraph (1)(a), a contracting authority, contracting entity or operator shall—

(a) set out the technical specifications for energy and environmental performance in the documentation for the purchase of the road transport vehicle together with any additional environmental impacts being considered, or

(b) include those energy and environmental impacts in the purchasing decision by—

(i) using the impacts as award criteria where a procurement procedure is applied, or

- (ii) monetising the impacts for inclusion in that decision in accordance with the methodology referred to in Article 6 of the Directive.



GIVEN under my Official Seal,
30 June 2011.

LEO VARADKAR,
Minister for Transport, Tourism and Sport.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
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€2.54



Wt. (B28550). 285. 7/11. Clondalkin Pharma & Healthcare (Clonshaugh) Ltd. Gr 30-15.