



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.06.1997
COM(97) 271 final

96/0163 (COD)

Amended proposal for a
EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

relating to the quality of petrol and diesel fuels
and amending Council Directive 93/12/EEC

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

- 1) In June 1996, the Commission adopted a proposal for a European Parliament and Council Directive relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC. This proposal formed an integral part of a cost effective strategy for the control of atmospheric emissions from road transport as set out in the Communication from the Commission to the European Parliament and the Council "On a future strategy for the control of atmospheric emissions from road transport taking into account the results of the Auto Oil programme" which was adopted at the same time.

The proposed directive on the quality of petrol and diesel fuels aims at controlling those parameters in the composition of petrol and diesel which influence the level of atmospheric emissions produced by spark ignition and diesel vehicles. Harmonized specifications for petrol and diesel fuels are therefore proposed to take effect across the Community as from 1 January 2000. The sale of leaded petrol is also to be banned as from the same date. The proposal also foresees the possibility for Member States to mandate the use of special, high quality fuels in agglomerations or zones where there is a particularly severe problem of air pollution affecting the population or the environment.

- 2) The Economic and Social Committee adopted its opinion on 24.4.97. The Economic and Social Committee was broadly supportive of the Commission proposal.
- 3) At its plenary session on 10 April 1997, the European Parliament approved the proposal from the Commission with a total of 54 amendments.
- 4) Out of the 54 amendments approved by the Parliament, the Commission can accept 7 in their entirety (nos. 2, 3, 6, 22, 23, 37 and 38) and 4 partially {nos. 1 (second part), 8 (third part), 10 (first part), 31 (first part)}. Accordingly the present modified proposal contains amendments to Articles 7 and 9 as well as several new recitals. With regard to amendments 63 and 64 which concern the modification of the proposed fuel specifications to allow for arctic conditions, the Commission cannot accept these amendments as proposed, in particular amendment 64 which refers to volatility classes in diesel fuels does not appear to be relevant. However, the Commission does undertake to explore this issue further to ensure that its proposals will not result in technical problems for vehicles operating in arctic conditions.

Amendment 53 as adopted by the Parliament is an exact repetition of the Commission's original text and is accordingly not incorporated in the modified proposal.

- 5) 40 amendments have not been accepted (nos. 4, 5, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 30, 32, 33, 34, 36, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 60, 61, 62).

The Commission proposal is based on Article 100A of the Treaty which has as its primary objective the establishment of the internal market. It is not therefore appropriate to refer to the standards put forward in the directive as being minimum standards. Amendments 8 (first part), 14, 15, 17 and 24 are therefore not acceptable.

The Community framework for the application of fiscal incentives for the encouragement of the marketing of "clean" fuels is established under Directive 92/81/EEC. The Commission does not

consider it appropriate to set up a separate fiscal framework under the present directive and accordingly cannot accept amendments 12, 13, 19 and 27.

The Commission considers that the conditions under which Committees should be consulted and the working procedures of such Committees are horizontal issues which should not be dealt with in an ad-hoc manner in relation to specific legislative proposals. Accordingly, the Commission cannot accept amendments 28, 29, 30, 31(second part), 32, 33 and 39.

The Commission's proposals for fuel standards to enter into force in 2000 were based upon an extensive assessment of the cost effectiveness of a range of measures which could contribute to reduced vehicle emissions. The Commission considers that its proposals on fuel form part of a cost effective package of measures and that it is not therefore necessary to increase the severity of the fuel specifications to enter into force in 2000 in order to achieve satisfactory air quality standards by 2010. The Commission cannot therefore accept amendments 40, 41, 42, 43, 45 and 47. On the other hand the Commission believes that fuel standards should be introduced at the latest by 2000 in order to contribute towards reducing vehicle emissions. The Commission cannot therefore accept the possibility of a 5 year delay in introducing these measures: amendments 61 and 62 are therefore unacceptable to the Commission.

With regard to the proposed standard for the maximum level of oxygenates in petrol (2.3%) included in its proposal, the Commission considers that there is evidence that to increase the maximum level may result in increased levels of pollution by toxic substances such as aldehydes. The Commission cannot therefore accept amendments 11 and 46.

The Commission considers that fuel standards for 2005 can only be finalised on the basis of further scientific and technical assessments. In the absence of such further assessments the laying down of mandatory fuel standards for 2005 is premature. For this reason the Commission cannot accept amendments 4, 16, 20, 21, 26, 34, 44, 48, 49, 50 and 51.

The Commission proposal is part of a balanced package of measures to reduce emissions from road vehicles to a level compatible with the attainment of satisfactory air quality standards by the year 2010. The Commission proposal will result in a significant improvement of the average fuel quality sold in the Community. The Commission cannot therefore accept amendments 5, 10 (second part) and 18.

The Commission's proposals are based on the principle of cost effectiveness as required under Article 4 of Directive 94/12/EC. The Commission cannot therefore accept that the proposals should instead have been based on the principle of cost benefit. Amendments 8 (second part) 9, 36 and 60 are therefore not acceptable.

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relating to the quality of petrol and diesel fuels
and amending Council Directive 93/12/EEC

Original proposal⁽¹⁾

Modified proposal

Recital 1

Whereas disparity between the laws or administrative measures adopted by the Member States on specifications of conventional and alternative fuels used by spark-ignited and diesel vehicles creates barriers to trade in the Community and may thereby have a direct impact on the establishment and functioning of the internal market; whereas in accordance with the provisions of Article 3b of the Treaty, it therefore appears necessary to approximate the laws in this field;

Whereas disparity between the laws or administrative measures adopted by the Member States on specifications of conventional and alternative fuels used by spark-ignited and diesel vehicles creates barriers to trade in the Community and may thereby have a direct impact on the establishment and functioning of the internal market and on the international competitiveness of the European vehicle and refining industries; whereas in accordance with the provisions of Article 3b of the Treaty, it therefore appears necessary to approximate the laws in this field;

Recital 2

Whereas Article 100a(3) of the Treaty envisages that Commission proposals aimed at the establishment and functioning of the internal market and concerning environmental protection will take as a base a high level of protection:

Whereas Article 100a(3) of the Treaty envisages that Commission proposals aimed at the establishment and functioning of the internal market and concerning health and environmental protection will take as a base a high level of protection:

Recital 3

Whereas primary air pollutants such as nitrogen oxides, unburnt hydrocarbons and particulate matter are emitted in significant amounts through the exhaust and evaporative fumes of motor vehicles thereby posing directly and indirectly through the development of the secondary pollutant ozone, a considerable risk to human health and the environment;

Whereas primary air pollutants such as nitrogen oxides, unburnt hydrocarbons, particulate matter, carbon monoxide, benzenes and other toxic exhaust emissions and their secondary pollutants such as ozone are emitted in significant amounts through the exhaust and evaporative fumes of motor vehicles thereby posing directly and indirectly a considerable risk to human health and the environment;

⁽¹⁾ OJ C 77, 11.3.1997, p.1

Recital 6

Whereas the European Auto/Oil Programme, the details of which are outlined in the Commission's Communication on a future strategy for the control of atmospheric emissions from road transport, provides the scientific, technical and economic basis for the introduction at Community level of new environmental fuel specifications for petrol and diesel fuels;

Whereas the European Auto/Oil Programme, the details of which are outlined in the Commission's Communication on a future strategy for the control of atmospheric emissions from road transport, contributes towards a scientific, technical and economic basis for recommending the introduction at Community level of new environmental fuel specifications for petrol and diesel fuels;

Recital 7

Whereas the introduction of environmental fuels specifications for petrol and diesel fuels is an important element of the cost-effective package of European-wide and national/regional/local measures identified by the European Auto/Oil Programme;

Whereas the introduction of environmental fuels specifications for petrol and diesel fuels is an important element of the cost-effective package of European-wide and national/regional/local measures that should be put into effect;

Recital 8a (new)

Whereas it is necessary to obtain in the short term a reduction, in urban areas, of polluting vehicle emissions, including primary pollutants such as unburnt hydrocarbons and carbon monoxide; secondary pollutants such as ozone; toxic emissions such as benzene and particle emissions;

Recital 15b (new)

Whereas captive vehicle fleets exist (buses, taxis, commercial vehicles, etc.) which are responsible for a large proportion of urban pollution and would benefit from separate specifications;

Recital 15c (new)

Whereas the Commission should propose specifications applicable to LPG, natural gas vehicle fuel and biofuels in the context of the Auto/Oil 2 process;

Article 7, first paragraph

If a sudden change in the supply of crude oils or petroleum products renders it difficult for the refineries in a Member State to respect the fuel specification requirements of Articles 3 and 4, that Member State shall inform the Commission thereof. The Commission, after informing the Member States, may authorize higher limit values in that Member State for one or more fuel components for a period not exceeding six months.

If, as a result of exceptional events, a sudden change in the supply of crude oils or petroleum products renders it difficult for the refineries in a Member State to respect the fuel specification requirements of Articles 3 and 4, that Member State shall inform the Commission thereof. The Commission, after informing the Member States, may authorize higher limit values in that Member State for one or more fuel components for a period not exceeding six months.

Article 9(2) (new indent)

- the particular situation of captive fleets and the need to propose levels of specifications for the special fuels they use;

Article 9(2) (new indent)

- the need to propose levels of specifications applicable to LPG, natural gas vehicle fuel and biofuels.

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