



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.10.1999  
COM(1999)461 final

Proposal for a

**COUNCIL DECISION**

**authorising France to apply or to continue to apply reductions in, or exemptions from, excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

Under Article 8(4) of Council Directive 92/81/EEC on the harmonisation of the structures of excise duties on mineral oils<sup>1</sup>, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce exemptions from, or reductions in, excise duties on grounds of specific policy considerations.

The French authorities have informed the Commission that they wish to apply a differentiated rate of excise duty from 1 January 2000 to premium-grade unleaded petrol containing a potassium-based additive to improve resistance to valve burn-out, (or any other additive of equivalent effect). This fuel will replace premium-grade leaded petrol, the marketing of which in the European Union is prohibited from 1 January 2000 by Council Directive 98/70/EC.

In accordance with Directive 92/81/EEC, the other Member States have been informed of this request.

The Directive provides for the Commission to review such exemptions and reductions periodically. If the Commission considers that they may no longer be applied because they distort competition or the operation of the internal market or are incompatible with Community policy on protection of the environment, it is to present appropriate proposals to the Council. In any event, this derogation must be reviewed no later than 31 December 2002, when the authorisation granted by the Decision expires. The Council will review the situation on the basis of a Commission proposal and decide whether the authorisation should be withdrawn, amended or extended.

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<sup>1</sup> OJ L 316, 31.10.1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.1994, p. 46).

Proposal for a

## COUNCIL DECISION

**authorising France to apply or to continue to apply reductions in, or exemptions from, excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils<sup>2</sup>, and in particular Article 8(4),

Having regard to the proposal from the Commission,

- (1) Whereas, under Article 8(4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce exemptions from, or reductions in, excise duties on mineral oils on grounds of specific policy considerations;
- (2) Whereas the French authorities have notified the Commission that they wish to apply a differentiated rate of excise duty from 1 January 2000 to premium-grade unleaded petrol containing a potassium-based additive to improve resistance to valve burn-out (or any other additive of equivalent effect);
- (3) Whereas the other Member States have been informed thereof;
- (4) Whereas the Commission and all the Member States accept that the application of differentiated rate of excise duty to premium-grade unleaded petrol containing additives is justified on environmental policy grounds and that it will not give rise to distortions of competition or hinder the operation of the internal market;
- (5) Whereas the Commission regularly reviews reductions and exemptions to check that they are compatible with the operation of the internal market or with Community policy on protection of the environment;

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<sup>2</sup> OJ L 316, 31.10.1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ L 365, 31.12.1994, p. 46).

- (6) Whereas France has requested authorisation to apply differentiated rate of excise duty to premium-grade unleaded petrol containing additives from 1 January 2000; whereas the Council is to review its application on the basis of a report from the Commission no later than 31 December 2002, when the authorisation granted by this Decision expires,

HAS ADOPTED THIS DECISION:

*Article 1*

In accordance with Article 8(4) of Directive 92/81/EEC and notwithstanding the obligations laid down in Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils<sup>3</sup>, and in particular the minimum rates laid down in Articles 3 and 4 thereof, France is hereby authorised to apply a differentiated rate of excise duty from 1 January 2000 to premium-grade unleaded petrol containing a potassium-based additive to improve resistance to valve burn-out (or any other additive of equivalent effect) until 31 December 2002.

*Article 2*

This Decision is addressed to France.

Done at Brussels,

*For the Council*  
*The President*

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<sup>3</sup> OJ L 316, 31.10.1992, p. 19.