STATUTORY RULES OF NORTHERN IRELAND

2014 No. 147

ENVIRONMENTAL PROTECTION

The Sulphur Content of Liquid Fuels (Amendment) Regulations (Northern Ireland) 2014

Made - - - -	*23rd May 2014*
Coming into operation	*18th June 2014*

The Department of the Environment, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the environment, makes the following Regulations in exercise of the powers conferred on it.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Sulphur Content of Liquid Fuels (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 18th June 2014.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) applies to these regulations as it applies to an Act of the Assembly.

Amendment of the Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007

2. The Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007(**4**) are amended in accordance with regulations 3 to 8.

Amendment of regulation 2 (interpretation)

3. For regulation 2 (interpretation) substitute—

"**2.**—(1) In these Regulations—

"combustion plant" means any technical apparatus in which fuels are oxidised in order to use the heat generated;

"Council Directive 1999/32/EC" means Council Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels and amending Council Directive 93/12/EEC;

(**1**) S.I. 2008/301
(**2**) 1972. c.68.
(**3**) 1954 c.33 (N.I.)
(**4**) S.R. 2007 No. 272

"gas oil" means any petroleum-derived liquid fuel—

(a) that falls within CN code 2710 19 25, 2710 19 29, 2710 19 47, 2710 19 48, 2710 20 17 or 2710 20 19; or

(b) of which less than 65 per cent by volume (including losses) distils at 250°C and of which at least 85 per cent by volume (including losses) distils at 350°C by the ASTM D86 method,

but excluding marine fuels, diesel fuels (as defined by Article 2(2) of Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC) and fuels used in non-road mobile machinery and agricultural tractors;

"heavy fuel oil" means any petroleum-derived liquid fuel—

(a) that falls within CN code 2710 19 51 to 2710 19 68, 2710 20 31, 2710 20 35 or 2710 20 39;

(b) which, by reason of its distillation limits, falls within the category of heavy oils intended for use as fuel and of which less than 65 per cent by volume (including losses) distils at 250°C by the ASTM D86 method; or

(c) where the distillation cannot be determined by the ASTM D86 method, that is categorised as heavy fuel oil,

but excluding marine fuel and gas oil;

"marine fuel" means any petroleum-derived liquid fuel intended for use or in use on board a vessel, including those fuels defined in ISO 8217;

"sulphur content of liquid fuels permit" has the meaning given in regulation 4(5)(b);

"the 2013 Regulations" means the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;

(2) In paragraph (1)—

(a) "ASTM method" means a method laid down by the American Society for Testing and Materials in the 1976 edition of standard definitions and specifications for petroleum and lubricating products; and

(b) the reference to a numbered CN code is a reference to the code set out in Annex I to Council Regulation 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff;

(3) Expressions used in these Regulations that also appear in Council Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels as amended by Directive 2005/33/EC of the European Parliament and of the Council have the same meaning as they do in that Directive.

(4) The Interpretation Act (Northern Ireland) 1954 applies to these regulations as it applies to an Act of the Assembly."

Amendment of Regulation 4 (maximum sulphur content of heavy fuel oil)

4. For regulation 4 (maximum sulphur content of heavy fuel oil) substitute—

"**4.**—(1) No person shall use any heavy fuel oil that has a sulphur content exceeding 1 per cent by mass.

(2) Until 1st January 2016, paragraph (1) shall not apply to the use of heavy fuel oil—

(a) in a new plant that—

(i) is subject to Article 4(1) of Directive 2001/80/EC and is operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Part A of Annex IV of that Directive; or

(ii) is subject to Article 4(2) of Directive 2001/80/EC and is operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Part B of Annex IV of that Directive;

(b) in an existing plant—

(i) operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Part A of Annex IV of Directive 2001/80/EC; or

(ii) that is a participating plant operated in accordance with a permit containing a condition prohibiting the monthly average emissions of sulphur dioxide from the plant from exceeding 1,700 mg/Nm^3 at an oxygen content in the flue gas of 3 per cent by volume on a dry basis;

(c) in a combustion plant, other than a plant to which sub-paragraph (a) or (b) applies, that is operated in accordance with a permit containing a condition prohibiting the monthly average of emissions of sulphur dioxide from the plant from exceeding 1,700 mg/Nm^3 at an oxygen content in the flue gas of 3 per cent by volume on a dry basis; or

(d) in a combustion plant, other than a gas engine, a gas turbine or a plant to which sub-paragraph (a) or (b) applies, that—

(i) forms part of a refinery; and

(ii) is operated in accordance with a permit containing a condition that the monthly average of emissions of sulphur dioxide averaged over all combustion plants in the refinery, irrespective of the type of fuel or fuel combination used, does not exceed 1,700 mg/Nm^3 at an oxygen content in the flue gas of 3 per cent by volume on a dry basis.

(3) From 1st January 2016, paragraph (1) shall not apply to the use of heavy fuel oil—

(a) in a combustion plant that—

(i) falls within the scope of Chapter III of Directive 2010/75/EU; and

(ii) is operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out in Annex V to that Directive;

(b) in a combustion plant that—

(i) falls within the scope of Chapter III of Directive 2010/75/EU;

(ii) is not subject to the emission limit values for sulphur dioxide set out in Annex V to that Directive; and

(iii) is operated in accordance with a permit containing a condition prohibiting the monthly average emissions of sulphur dioxide from the plant from exceeding 1,700 mg/Nm^3 at an oxygen content in the flue gas of 3 per cent by volume on a dry basis;

(c) in a combustion plant, other than a plant to which sub-paragraph (a) or (b) applies, that is operated in accordance with a permit containing a condition prohibiting