Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC

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of 13 October 1998

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the opinion of the Economic and Social Committee[(2)],

Acting in accordance with the procedure laid down in Article 189b of the Treaty[(3)] in the light of the joint text approved on 29 June 1998 by the Conciliation Committee,

(1) Whereas disparity between the laws or administrative measures adopted by the Member States on specifications of conventional and alternative fuels used by vehicles equipped with positive-ignition and compression-ignition engines creates barriers to trade in the Community and may thereby directly affect the establishment and functioning of the internal market and 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;

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

(3) Whereas primary air pollutants such as nitrogen oxides, unburnt hydrocarbons, particulate matter, carbon monoxide, benzenes and other toxic exhaust emissions which contribute to the formation of 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;

(4) Whereas despite the increasing stringency of vehicle emission limit values laid down by Council Directive 70/220/EEC[(4)], and by Council Directive 88/77/EEC[(5)], further measures to reduce atmospheric pollution caused by vehicles and other sources are necessary in order to achieve satisfactory air quality;

(5) Whereas Article 4 of Directive 94/12/EC of the European Parliament and of the Council[(6)] introduced a new approach with regard to emission reduction policies for

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and beyond the year 2000 and required the Commission to examine, *inter alia*, the contribution that improvements in the quality of petrol and diesel and other fuels could make to reducing air pollution;

(6) Whereas, in addition to an initial stage of fuel specifications beginning in the year 2000, provision must be made for a second stage, to come into effect in 2005, to enable the industry to make the necessary investments to adapt its production plans;

(7) Whereas petrol and diesel fuel complying with the specifications set out in Annexes I, II, III and IV are already available on the market in the European Community;

(8) 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;

(9) Whereas the introduction of environmental fuels specifications for petrol and diesel fuels is an important element of the cost-effective package of Europe-wide and national/regional/local measures that should be put into effect, taking into account the costs and benefits of any action;

(10) Whereas the implementation of a combination of Europe-wide and national/regional/local measures to reduce vehicle emissions is part of the Commission's overall strategy to reduce air emissions from mobile and stationary sources in a way that is balanced and meets cost-benefit criteria;

(11) Whereas it is necessary to obtain in the short term a reduction, in particular 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; whereas the reduction of polluting vehicle emissions in urban areas can be immediately achieved on motor vehicles through changes in fuel composition;

(12) Whereas the incorporation of oxygen and the significant reduction in aromatics, olefins, benzene and sulphur can permit better fuel quality to be obtained from an air quality standpoint;

(13) Whereas the provisions of Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils[7], and in particular Article 8(4) thereof, discourage and may prevent Member States from operating excise tax differentiation designed to accelerate fuel quality above Community-wide fuel specifications;

(14) Whereas the use by Member States of differentiated excise taxation can encourage the introduction of more advanced fuels in line with national priorities, capacity and requirements;

(15) Whereas the Commission has brought forward a proposal for an Energy Products Directive; whereas this proposal has the objective of, *inter alia*, permitting Member

States to make more active use of fiscal incentives through differentiated excise taxation, so as to facilitate the introduction of more advanced fuels;

(16) Whereas fuel specifications aiming at the reduction of both exhaust and evaporative emissions are generally lacking;

(17) Whereas atmospheric pollution by lead arising from the combustion of leaded petrol constitutes a risk for human health and the environment; whereas it is a great step forward that by 2000 virtually all petrol-driven road vehicles will be able to run on unleaded petrol and whereas therefore it is appropriate to restrict severely the marketing of leaded petrol;

(18) Whereas the need for vehicle emission reduction and the availability of the necessary refinery technology justify the setting of environmental fuel specifications for the marketing of unleaded petrol and diesel fuels;

(19) Whereas it seems appropriate to provide for the availability of two types of diesel and petrol fuel, one of which would be a higher-quality diesel and one of which would be a higher quality petrol; whereas it is appropriate for this higher quality diesel or petrol to replace diesel or petrol of lower quality on the market by 2005; whereas, however, appropriate provision should be made for such replacement to be delayed when application of the date of 2005 in a Member State would cause severe difficulties for its industries in making the necessary changes in its manufacturing facilities;

(20) Whereas, in order to protect human health and/or the environment in specific agglomerations or in specific ecologically sensitive areas with special problems of air quality, Member States should be permitted, subject to a procedure established in this Directive, to require that fuels may be marketed only if they comply with more stringent environmental specifications than established under this Directive; whereas this procedure is a derogation from the information procedure laid down in Directive 98/34/EC of 22 June 1998 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services[(8)];

(21) Whereas, in order to ensure compliance with the fuel quality standards required under this Directive, Member States should introduce monitoring systems; whereas such monitoring systems should be based on common procedures for sampling and testing and whereas information on fuel quality collected by Member States should be communicated to the Commission according to a common format;

(22) Whereas, on the basis of a comprehensive assessment, the Commission is to submit a proposal complementing the mandatory specifications for petrol and diesel fuels referred to in Annexes III and IV to be applied as from 1 January 2005; whereas the Commission's proposal may, as appropriate, also set down environmental specifications for other types of fuel such as liquid petroleum gas, natural gas and biofuels; 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;

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(23) Whereas further developments with regard to reference methods for measuring the specifications set out in this Directive may be desirable in the light of scientific and technical progress; whereas to this end, provisions should be made in order to adapt the Annexes to this Directive to technical progress;

(24) Whereas Council Directive 85/210/EEC of 20 March 1985 on the approximation of the laws of the Member States concerning the lead content of petrol[9], Council Directive 85/536/EEC of 5 December 1985 relating to crude-oil savings through the use of substitute fuel components in petrol[10], and Article 1(1)(b) and Article 2(1) of Council Directive 93/12/EEC of 23 March 1993 relating to the sulphur content of certain liquid fuels[11], should be repealed accordingly;

(25) Whereas the transitional measures for Austria referred to in Article 69 of the 1994 Act of Accession include Article 7 of Directive 85/210/EEC; whereas the application of this transitional measure should, for specific reasons of the protection of the environment, be prolonged until 1 January 2000;

(26) Whereas a *modus vivendi* between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty[12] was concluded on 20 December 1994,

HAVE ADOPTED THIS DIRECTIVE:

[F1 Article 1

Scope

This Directive sets, in respect of road vehicles, and non-road mobile machinery (including inland waterway vessels when not at sea), agricultural and forestry tractors, and recreational craft when not at sea:

(a) technical specifications on health and environmental grounds for fuels to be used with positive ignition and compression-ignition engines, taking account of the technical requirements of those engines; and

(b) a target for the reduction of life cycle greenhouse gas emissions.**]**

Textual Amendments

F1 Substituted by Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (Text with EEA relevance).

[F2 Article 2

Definitions

For the purposes of this Directive:

1. ‘petrol’ means any volatile mineral oil intended for the operation of internal combustion positive-ignition engines for the propulsion of vehicles and falling within CN codes 2710 11 41, 2710 11 45, 2710 11 49, 2710 11 51 and 2710 11 59[13];

2. ‘diesel fuels’ means gas oils falling within CN code 2710 19 41[13] and used for self-propelling vehicles as referred to in Directive 70/220/EEC and Directive 88/77/EEC;

3. ‘**[**F1gas oils intended for use by non-road mobile machinery (including inland waterway vessels), agricultural and forestry tractors, and recreational craft’ means any petroleum-derived liquid, falling within CN codes 2710 19 41 and 2710 19 45[14], intended for use in compression ignition engines referred to in Directives 94/25/EC[15], 97/68/EC[16] and 2000/25/EC[17];**]**

4. ‘outermost regions’ means France with regard to the French overseas departments, Portugal with regard to the Azores and Madeira, and Spain with regard to the Canary Islands**[**F1;**]**

5. **[**F3‘Member States with low ambient summer temperatures’ means Denmark, Estonia, Finland, Ireland, Latvia, Lithuania, Sweden and the United Kingdom;

6. ‘life cycle greenhouse gas emissions’ means all net emissions of CO_2, CH_4 and N_2O that can be assigned to the fuel (including any blended components) or energy supplied. This includes all relevant stages from extraction or cultivation, including land-use changes, transport and distribution, processing and combustion, irrespective of where those emissions occur;

7. ‘greenhouse gas emissions per unit of energy’ means the total mass of CO_2 equivalent greenhouse gas emissions associated with the fuel or energy supplied, divided by the total energy content of the fuel or energy supplied (for fuel, expressed as its low heating value);

8. ‘supplier’ means the entity responsible for passing fuel or energy through an excise duty point or, if no excise is due, any other relevant entity designated by a Member State;

9. ‘biofuels’ has the same meaning as in Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources[18]**[**F4;**]]**

10. **[**F5‘renewable liquid and gaseous transport fuels of non-biological origin’ means liquid or gaseous fuels other than biofuels whose energy content comes from renewable energy sources other than biomass, and which are used in transport;

11. ‘starch-rich crops’ means crops comprising mainly cereals (regardless of whether only the grains are used or the whole plant, such as in the case of green maize, is used), tubers and root crops (such as potatoes, Jerusalem artichokes, sweet potatoes, cassava and yams), and corm crops (such as taro and cocoyam);