COUNCIL DIRECTIVE 93/12/EEC

of 23 March 1993

relating to the sulphur content of certain liquid fuels

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas in order to improve air quality with regard to sulphur dioxide and other emissions, the Community has to take measures to reduce progressively the sulphur content of gas oil used for self-propelling vehicles, including aircraft and vessels, and for heating, industrial and marine purposes;

Whereas, under Article 2 (1) and Article 5 (1) of Directive 75/716/EEC (4), the provisions in force in the Member States lay down two limits with respect to the sulphur content of liquid fuels; whereas these provisions differ from one Member State to another;

Whereas these differences oblige Community oil companies to adjust the maximum sulphur content of their products, depending on which Member State is being supplied; whereas such differences thus constitute a barrier to trade in these products, thereby directly affecting the establishment and functioning of the single market;

Whereas, in addition, Article 6 of Directive 75/716/EEC provides that in the light of any new information available the Commission is to submit a report to the Council accompanied by an appropriate proposal with a view to the establishment of a single value;

Whereas successive action programmes of the European Communities on the environment (5) stress the importance of preventing and reducing air pollution;

Whereas fuel quality plays an important role in reducing air pollution by vehicle eshaust emissions;

Whereas, in addition, by virtue of Decision 81/462/EEC (6) the Community is a contracting party to the Convention on long-range transboundary air pollution, which provides in particular for the development of strategies and policies to limit and, as far as possible, gradually reduce and prevent air pollution;

Whereas reducing the sulphur content of certain liquid fuels serves to further one of the Community's objectives, which is to preserve, protect and improve the quality of the environment and to contribute towards protecting human health, by rectifying environmental damage at source;

Whereas, in accordance with Directive 75/716/EEC, several Member States have already fixed a value of 0,2 % by weight;

Whereas Member States must take steps to ensure that diesel fuels of a maximum sulphur content of 0,05 % by weight are gradually made available;

Whereas, in order to attain the particulate emission levels set in specific Community Directives, the sulphur content of diesel fuels placed on the market within the Community may not exceed 0,2 % by weight as from 1 October 1994 and 0,05 % by weight as from 1 October 1996; whereas the Member States must take appropriate measures to achieve that objective;

Whereas the increasing use of gas oil for motor vehicles implies further efforts with regard to the quality of diesel fuel, in order to limit the adverse effects of such use on air quality; whereas setting a maximum sulphur content of 0,05 % by weight to apply from 1 October 1996 for diesel fuel allows the industries concerned sufficient time to make the technical adjustments required;

Whereas the other uses of gas oils and medium oils require an effort to be made to reduce air pollution, wherein account should be taken of their contribution having regard to air quality improvement and environmental costs and benefits; whereas the Commission should submit to the Council, which will take a decision

(1) OJ No C 174, 5. 7. 1991, p. 18 and OJ No C 120, 12. 5. 1992, p. 12.
(2) OJ No C 94, 13. 4. 1992, p. 209 and OJ No C 337, 21. 12. 1992.
(3) OJ No C 14, 20. 1. 1992, p. 17.
(4) OJ No L 307, 27. 11. 1975, p. 22. Directive as amended by Directive 87/219/EEC (OJ No L 91, 3. 4. 1987, p. 19).
(5) OJ No C 112, 20. 12. 1973, p. 1, OJ No C 139, 13. 6. 1977, p. 1 and OJ No C 46, 17. 2. 1983, p. 1.
(6) OJ No L 171, 27. 6. 1981, p. 11.