II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 30 March 1987

amending Directive 75/716/EEC on the approximation of the laws of the Member States relating to the sulphur content of certain liquid fuels

(87/219/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Articles 100 and 235 thereof,

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

Having regard to the opinion of the European Parliament (2),

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

Whereas Directive 75/716/EEC (4) obliges Member States to take all necessary steps to ensure that gas oils can be marketed in the Community only if their sulphur content does not exceed certain limits;

Whereas the said Directive provides that the Commission may, as appropriate, draw up suitable proposals, in particular to amend the sulphur content limits of gas oils, as a function, *inter alia,* of the levels of air pollution due to sulphur dioxide;

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

Whereas, in addition, the Community became, by virtue of Decision 81/462/EEC (6) 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, in view of the damaging effects on the environment of sulphur dioxide emissions including those arising from the use of gas oil, there is an urgent need to reduce these emission levels wherever this can be achieved;

Whereas it is appropriate to fix a new maximum level for the sulphur content of gas oils as laid down in Directive 75/716/EEC;

Whereas Member States should also be able to require a specified level lower than the maximum provided for in certain defined circumstances;

Whereas the operation of this Directive should be reviewed after an appropriate period of time;

Whereas reducing pollution by sulphur serves to further one of the Community's objectives regarding the protection and improvement of the environment; whereas, however, the necessary powers for this purpose are not expressly provided for in the Treaty and Article 235 must therefore also be invoked,

(1) OJ No C 205, 14. 8. 1985, p. 3.
(2) OJ No C 283, 10. 11. 1986, p. 108.
(3) OJ No C 344, 31. 12. 1985, p. 22.
(4) OJ No L 307, 27. 11. 1975, p. 22.
(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.