

Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1997/0105(SYN)	Procedure completed
Reduction in the sulphur content of certain liquid fuels Amended by 2002/0259(COD) Amended by 2007/0019(COD) Amended by 2011/0190(COD) Repealed by 2014/0216(COD)		
Subject 3.60.02 Oil industry, motor fuels 3.70.02 Atmospheric pollution, motor vehicle pollution		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Consumer Protection	V HAUTALA Heidi	24/09/1997
	Former committee responsible		
	ENVI Environment, Public Health and Consumer Protection	V HAUTALA Heidi	24/09/1997
	Former committee for opinion		
	AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
	ECON Economic and Monetary Affairs, Industrial Policy	UPE ARRONI Aldo	18/06/1997
	ENER Research, Technological Development and Energy	PSE LANGE Bernd	28/05/1997
Council of the European Union	JURI Legal Affairs, Citizens' Rights	UPE JANSSEN VAN RAAY James L.	27/11/1997
	TRAN Transport and Tourism	The committee decided not to give an opinion.	
	Council configuration	Meeting	Date
	General Affairs	2173	26/04/1999
	Environment	2121	06/10/1998
	Environment	2106	16/06/1998
Environment	2033	16/10/1997	
Environment	2076	23/03/1996	

Key events			
23/03/1996	Debate in Council	2076	
12/03/1997	Legislative proposal published	COM(1997)0088	Summary
13/06/1997	Committee referral announced in Parliament		

16/10/1997	Debate in Council	2033	
23/04/1998	Vote in committee		Summary
23/04/1998	Committee report tabled for plenary, 1st reading/single reading	A4-0174/1998	
12/05/1998	Debate in Parliament		Summary
13/05/1998	Decision by Parliament	T4-0272/1998	Summary
08/07/1998	Modified legislative proposal published	COM(1998)0385	Summary
06/10/1998	Council position published	10577/2/1998	Summary
22/10/1998	Committee referral announced in Parliament, 2nd reading		
05/01/1999	Vote in committee, 2nd reading		Summary
05/01/1999	Committee recommendation tabled for plenary, 2nd reading	A4-0002/1999	
08/02/1999	Debate in Parliament		
09/02/1999	Decision by Parliament, 2nd reading	T4-0080/1999	Summary
26/04/1999	Act adopted by Council after consultation of Parliament		
26/04/1999	End of procedure in Parliament		
11/05/1999	Final act published in Official Journal		

Technical information

Procedure reference	1997/0105(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amended by 2002/0259(COD) Amended by 2007/0019(COD) Amended by 2011/0190(COD) Repealed by 2014/0216(COD)
Legal basis	EC before Amsterdam E 130S-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/10485

Documentation gateway

Legislative proposal		COM(1997)0088	12/03/1997	EC	Summary
Economic and Social Committee: opinion, report		CES0979/1997 OJ C 355 21.11.1997, p. 0001	01/10/1997	ESC	Summary
Committee of the Regions: opinion		CDR0174/1997 OJ C 064 27.02.1998, p. 0036	19/11/1997	CofR	
Committee opinion	ECON	PE223.495/DEF	10/02/1998	EP	
Committee opinion	ENER	PE224.675/DEF	13/02/1998	EP	

Committee draft report		PE225.244	17/02/1998	EP	
Amendments tabled in committee		PE225.244/AM	07/04/1998	EP	
Committee report tabled for plenary, 1st reading/single reading		A4-0174/1998 OJ C 167 01.06.1998, p. 0005	23/04/1998	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0272/1998 OJ C 167 01.06.1998, p. 0079-0117	13/05/1998	EP	Summary
Committee opinion	JURI	PE226.578/DEF	14/05/1998	EP	
Modified legislative proposal		COM(1998)0385 OJ C 259 18.08.1998, p. 0005	08/07/1998	EC	Summary
Council position		10577/2/1998 OJ C 364 25.11.1998, p. 0020	06/10/1998	CSL	Summary
Commission communication on Council's position		SEC(1998)1702	14/10/1998	EC	Summary
Committee draft report		PE229.048	18/11/1998	EP	
Committee recommendation tabled for plenary, 2nd reading		A4-0002/1999 OJ C 104 14.04.1999, p. 0005	05/01/1999	EP	
Text adopted by Parliament, 2nd reading		T4-0080/1999 OJ C 150 28.05.1999, p. 0018-0075	09/02/1999	EP	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 1999/32](#)
[OJ L 121 11.05.1999, p. 0013](#) Summary

Final legislative act with provisions for delegated acts

Reduction in the sulphur content of certain liquid fuels

OBJECTIVE: The purpose of the directive is to reduce the emissions of sulphur dioxide (SO₂) in the European Community by limiting the sulphur content of certain types of liquid fuels (heavy fuel oils and gas oils). It forms part of a set of measures aimed at combatting acidification (acid rain) and certain atmospheric pollution problems arising from the presence of sulphur dioxide and suspended particulates. **SUBSTANCE:** The proposal is accompanied by a Commission communication on the Community strategy to combat acidification, providing for a range of measures aimed at reducing considerably by the year 2010 the extent of the areas in the EU in which the cubical loads are exceeded. The proposal does not cover all categories of liquid fuel. The limit values set by Directive 93/12/EEC for the sulphur content of gas oils, currently at 0.2%, will be retained. The most innovative element in the proposal is its setting of a limit value for the sulphur content of heavy fuel oils of 1% with effect from 1 January 2000. Exemptions are provided for combustion plants with low SO₂ emissions and regions which are little affected by air pollution. This directive does not preclude Member States from retaining or setting stricter limits, provided that they inform the Commission of their plans in advance. ?

Reduction in the sulphur content of certain liquid fuels

The Committee takes the view that the directive - with its aim of reducing the sulphur content of gas oil and fuel oil - is a good starting point from which to move on to fixing higher levels of environmental protection in the future. The Committee considers that it would be a good idea to state explicitly in the recitals that the directive does not place any significant restrictions on Member States' choice of energy plan. The Committee specifically backs the derogations allowing Austria and Finland to maintain their stricter standards for the marketing of these fuels, and the derogations granted for gas oil for marine use in Greece and the Canary Islands. Given the inclusive nature of the strategy for combating acidification, the Committee does not agree with the order in which the documents are being presented by the Commission, which has put forward the present directive before revising Directive 88/609/EEC on large combustion plants. The basis for this assertion is that the individual emission limits decided for petroleum products will - indirectly - alter the criteria for reducing SO₂ emissions from "existing" large

plants as defined in Directive 88/609/EEC (plants which came into service before 1987). It would consequently be more logical for such "existing" plants to be explicitly excluded from the scope of the present proposal for the time being. ?

Reduction in the sulphur content of certain liquid fuels

The committee voted overwhelmingly to adopt a report on a Commission proposal for a Council Directive aimed at reducing the sulphur content of certain liquid fuels. The rapporteur is Ms Heidi HAUTALA (Greens, Fin) and, inter alia, the proposal amends Directive 93/12/EEC. The committee rejected the advice of its rapporteur to accept the Commission view that the appropriate legal base for the proposal is the first paragraph (Council procedure, environment) of Article 130s. It opted instead for Article 100a (internal market), which, if accepted by the Council, will bring the measure into the codecision procedure. An amendment adopted by the committee pointed out that studies had shown that benefits from reducing sulphur emissions by reductions in the sulphur content of fuels would be considerably greater than the estimated costs to industry. Another amendment suggested the use of tax incentives to encourage emission reductions. The Commission proposal covered two types of fuel: heavy fuel oil of the kind used in refinery, power stations and industry and gas oil. The committee agreed with the rapporteur that it should also cover bunker oil and marine diesel oil (used by ships and boats) but rejected her suggestion to include aviation kerosene as well. The committee brought forward the deadline for the introduction of the proposed limit (a maximum sulphur content of 1% by weight) on heavy fuel oil: this provision is to come into force as from 1 January 1999, instead of 1 January 2000 as proposed by the Commission. It halved the maximum permitted sulphur content of gas oil (as from 1 January 1999) from the 0.2% by weight proposed by the Commission to 0.1%. And it set its own limit for bunker oil and marine diesel oil: 1.5% by weight as from 1 January 2000. However, the directive also provides for a number of derogations. The committee was anxious that the proposed directive should not prevent Member States from introducing more stringent environmental protection measures than those it laid down. It also cited the need for further research. ?

Reduction in the sulphur content of certain liquid fuels

Commissioner Bjerregaard indicated that the Commission was opposed to changing the legal basis. However, it did agree to the inclusion of fuels for marine use. As for the amendments reinforcing the limit values on a cost-effectiveness basis, the Commissioner could not accept these but added that individual Member States could introduce more stringent limit values. Finally, in order to protect the environment, Mrs Bjerregaard rejected an amendment that would reinforce a derogation in favour of combustion plants, industrial cement plants or refineries.

Reduction in the sulphur content of certain liquid fuels

In adopting the report by Mrs Heidi HAUTALA (Greens, FIN) Parliament considered that the directive should also cover bunker fuel oils and marine diesel oils (used by ships and vessels). It called for the entry into force of the authorized ceiling (maximum sulphur content of 1% by weight) for heavy fuel oils to be brought forward to 1 January 1999 (instead of 1 January 2000 as proposed by the Commission). It reduced by half limit value for sulphur in gas oils (with effect from 1 January 1999): from the 0.2% by weight proposed by the Commission, this limit value would be reduced to 0.1%. It called for the limit value for bunker fuel oils and marine diesel oils to be set at 1.5% by weight from 1 January 2000. Parliament hoped that, pursuant to Article 100a(4) of the Treaty the directive would not prevent the Member States from implementing more stringent environmental protection measures than those set. In order to facilitate the achievement of the objectives of the directive it called on the Union and/or the Member States to make use if required of economic instruments such as a tax on sulphur and a system of harbour charges differentiated according to the sulphur content of the fuels used by visiting ships. Lastly, Parliament hoped that Community initiatives would be continued with a view to having the North Sea/Channel declared a special low SO_x emission control area. ?

Reduction in the sulphur content of certain liquid fuels

The amended proposal takes over totally or partially 16 of the 28 amendments adopted by the European Parliament at first reading. The main changes made to the initial proposal seek in particular to: - introduce a reference, on the basis of cost effectiveness studies, to setting appropriate limits for the sulphur content of fuels other than those covered by Directive 93/12/EEC; - introduce a reference to sulphur emissions caused by the combustion of bunker fuels in the shipping sector and the continuation of Community actions to reduce sulphur dioxide emissions; - introduce a specific reference to more profound research on the effects of acidification; - introduce a reference to monitoring respect for the provisions of the directive and the submission of appropriate reports; - define marine gas oils; - specify the fuels to which the monitoring requirements apply; - give details on the test method for sampling and analysis; - indicate the European Parliament as a recipient for the reports to be submitted; - provide for an undertaking by the Commission to propose, if appropriate, measures concerning marine fuel other than marine gas oils by the end of 2000; - make the use of certain liquid fuels subject to the condition that their sulphur content does not exceed the limits defined in the directive; - introduce a reference to the use of economic instruments to facilitate the achievement of the overall objective of the directive; - introduce a specific reference to the framework directive on air quality (96/62/EEC). With reference in particular to the use of heavy bunker fuels by vessels, the Commission intends to take steps to guarantee that a coordinated position of the Community and its Member States can be put forward at the 43rd meeting of the Marine Environment Protection Committee of the International Maritime Organisation in June 1999 with a view to ensuring the designation of the North Sea and the Channel as well as of any other European seas in such need as areas sensitive to air pollution. ?

Reduction in the sulphur content of certain liquid fuels

The Council's common position takes over entirely or in part 13 of the 16 amendments adopted by Parliament at first reading and accepted by the Commission in its amended proposal. The Council also included new provisions. The common position thus: - excludes from the scope the petroleum derived fuels used by the seagoing ships (the marine gas oils included in the scope are those having a specific range of density

and viscosity as defined in table I of ISO 8217); - clarifies that fuels for non-road mobile machinery and agricultural tractors should be excluded from the scope; - postpones the date of entry into force for a maximum sulphur content of 1% for heavy fuel oils to 2003 (instead of 2000); - makes the conditions for granting derogations on the use of heavy fuels more stringent, and modifies the text to allow heavy fuel oils with a sulphur content of up to 3% to be used (instead of a maximum of 2.5%); - clarifies the sectors and categories of combustion plants for which the maximum sulphur content of 1% in heavy fuel oils is not applicable; the common position creates an 'emission bubble' with a limit value to be applied to all plants in refineries while giving the refineries flexibility to apportion emissions between individual plants; - makes the date of implementation variable for limit values for gasoils, but sets the time frame of 1 January 2000 for the first stage, with the second stage due to start on 1 January 2008 (with a reduction of 0.1% in sulphur content); - extends the geographical derogation for the use of marine gasoil with a higher sulphur content than that set for the French Overseas Departments and the Archipelagoes of Madeira and Azores; - provides that a future proposal could deal with the question of bunker fuels, excluded from this directive; - postpones until 2006 the date on which the report is to be submitted; - introduces an advisory committee to assist the Commission on the draft of the measures to be taken; - sets the deadline for transposition at 1 January 2000. ?

Reduction in the sulphur content of certain liquid fuels

The Commission considers that the common position confirms the Commission's original principles when it was drawing up its initial proposal, derived from cost effective analyses regarding the maximum sulphur content in certain liquid fuels and the need for some Member States to have the possibility of limited derogations under certain circumstances. However the Commission regrets the postponement in the date for implementation of the directive for heavy fuel oils to 2003, but welcomes the tightening of maximum sulphur content in gasoils (by 2008) and the recognition of the need to consider which measures regarding bunker fuels could be taken in a future proposal to be issued (by 2000). The Commission welcomes the fact that the common position received the support of all Member States. ?

Reduction in the sulphur content of certain liquid fuels

The Committee adopted Heidi HAUTALA's (Greens, FIN) draft recommendation on Council's common position for a directive aimed at reducing the sulphur content of certain liquid fuels (cooperation procedure). The proposal will amend Directive 93/132/EEC. Most of the 27 amendments adopted in first reading were incorporated in the common position. The most important remaining problems related to the sometimes very long timescales for implementation. Three amendments concerning these problems were adopted unanimously. The common position laid down that the limit value of 1% for sulphur in heavy fuel oil should be implemented as from 1 January 2003. The Committee proposed to advance this date by two years to 1 January 2001. The common position also provided for a derogation permitting member states, which do not contribute significantly to acidification to authorise the use of heavy fuel oil with a sulphur content of up to 3%. The Committee proposed to limit this derogation to 2,5%. The original Commission proposal to limit the sulphur content of gas oil, including marine gas oils, to 0,2% was thought too timid. The EP went for the 0,1% limit from 1999 onwards. The common position took up the EP 0,1% proposal for gas oil, but only from 1 January 2008. According to the Committee, this date should be advanced by four years to 2004.

Reduction in the sulphur content of certain liquid fuels

At second reading under cooperation procedure, the European Parliament adopted the recommendation by Heidi Hautala (V/FI) which approves common position 61/98/EC established by the Council with a view to adopting the Council Directive relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC.?

Reduction in the sulphur content of certain liquid fuels

OBJECTIVE: to protect the environment and human health by reducing sulphur dioxide emissions throughout the European Community through a limitation of the sulphur content in certain liquid fuels (heavy fuel oils and gas oils). **COMMUNITY MEASURE:** Council Directive No 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels and amending Directive No 93/12/EEC. **CONTENT:** this directive constitutes one of the actions under the Community strategy for combating acidification. In a general way, it obliges the Member States to take all necessary steps to ensure that as from 1 January 2003 within their territory, heavy fuels are not used if their sulphur content exceeds 1.00% by mass. Derogations are, however, made in regions where air quality objectives are being met and sulphur dioxide emissions do not contribute significantly to the problem of acidification. In such cases, the use of heavy fuel oils with a sulphur content of up to 3% may be permitted. The directive also defines the sectors and categories of combustion installation which are exempted from the 1% limit on sulphur content in heavy fuel oils. It should be noted that certain liquid fuels (bunker fuel oils, aviation kerosene) are, for the time being, not covered by the directive. The directive also requires Member States to ensure that gas oils (including marine gas oils) are not used within their territory as from: - July 2000 if their sulphur content exceeds 0.20% by mass; - 1 January 2008 if their sulphur content exceeds 0.10% by mass. Derogations from the limits laid down may be allowed for the Canary Islands, the French Overseas Departments, the whole of Greece and the archipelagos of Madeira and Azores. The directive requires the Member States to verify by sampling that the sulphur content of fuels used complies with the provisions of the directive. The Commission will submit a report to the European Parliament and the Council no later than 31 December 2006. **ENTRY INTO FORCE:** 11 May 1999. **DEADLINE FOR TRANSPOSITION:** 1 July 2000. ?