



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2001/0107(COD) Procedure completed
Quality of petrol and diesel fuels: level of sulphur Amending Directive 98/70/EC	1996/0163(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
	DELE EP Delegation to Conciliation Committee		18/10/2002
		V/ALE HAUTALA Heidi	
	Former committee responsible		
	ENVI Environment, Public Health, Consumer Policy		29/05/2001
		V/ALE HAUTALA Heidi	
	ENVI Environment, Public Health, Consumer Policy		29/05/2001
	V/ALE HAUTALA Heidi		
Former committee for opinion			
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.		
ITRE Industry, External Trade, Research, Energy			20/06/2001
	PPE-DE PURVIS John		
RETT Regional Policy, Transport and Tourism	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date
	Education, Youth, Culture and Sport	2484	06/02/2003
	Environment	2473	09/12/2002
	General Affairs	2421	15/04/2002
	Environment	2399	12/12/2001
	Environment	2378	29/10/2001
European Commission	Commission DG	Commissioner	
	Environment		

Key events			

11/05/2001	Legislative proposal published	COM(2001)0241	Summary
17/05/2001	Committee referral announced in Parliament, 1st reading		
29/10/2001	Debate in Council	2378	
06/11/2001	Vote in committee, 1st reading		Summary
06/11/2001	Committee report tabled for plenary, 1st reading	A5-0389/2001	
28/11/2001	Debate in Parliament		
29/11/2001	Decision by Parliament, 1st reading	T5-0630/2001	Summary
15/04/2002	Council position published	05117/1/2000	Summary
30/05/2002	Committee referral announced in Parliament, 2nd reading		
10/09/2002	Vote in committee, 2nd reading		Summary
10/09/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0293/2002	
25/09/2002	Debate in Parliament		
26/09/2002	Decision by Parliament, 2nd reading	T5-0446/2002	Summary
09/12/2002	Parliament's amendments rejected by Council		
10/12/2002	Formal meeting of Conciliation Committee		
10/12/2002	Final decision by Conciliation Committee		Summary
10/12/2002	Report tabled for plenary, 3rd reading	A5-0003/2003	
10/01/2003	Joint text approved by Conciliation Committee co-chairs	3677/2002	
29/01/2003	Debate in Parliament		
30/01/2003	Decision by Parliament, 3rd reading	T5-0030/2003	Summary
06/02/2003	Decision by Council, 3rd reading		
03/03/2003	Final act signed		
03/03/2003	End of procedure in Parliament		
22/03/2003	Final act published in Official Journal		

Technical information

Procedure reference	2001/0107(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 98/70/EC 1996/0163(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095

Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/16829

Documentation gateway

Legislative proposal	COM(2001)0241 , OJ C 213 31.07.2001, p. 0255 E	11/05/2001	EC	Summary
Economic and Social Committee: opinion, report	CES1331/2001 OJ C 036 08.02.2002, p. 0115	18/10/2001	ESC	
Committee report tabled for plenary, 1st reading/single reading	A5-0389/2001	06/11/2001	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0630/2001 OJ C 153 27.06.2002, p. 0033-0262 E	29/11/2001	EP	Summary
Council position	05117/1/2000 OJ C 145 18.06.2002, p. 0071 E	15/04/2002	CSL	Summary
Commission communication on Council's position	SEC(2002)0423	22/04/2002	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0293/2002	10/09/2002	EP	
Text adopted by Parliament, 2nd reading	T5-0446/2002 OJ C 273 14.11.2003, p. 0200-0255 E	26/09/2002	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0604	31/10/2002	EC	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A5-0003/2003	10/12/2002	EP	
Joint text approved by Conciliation Committee co-chairs	3677/2002	10/01/2003	CSL/EP	
Text adopted by Parliament, 3rd reading	T5-0030/2003 OJ C 039 13.02.2004, p. 0016-0057 E	30/01/2003	EP	Summary

Additional information

European Commission	EUR-Lex
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Final act

Directive 2003/17 OJ L 076 22.03.2003, p. 0010-0019 Summary
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Quality of petrol and diesel fuels: level of sulphur

PURPOSE : to present a proposal for a Directive of the European Parliament and of the Council on the quality of petrol and diesel fuels and amending Directive 98/70/EC. **CONTENT** : the purpose of this proposal is to complete the environmental specifications for petrol and diesel fuels in accordance with Article 9 of Directive 98/70/EC. This Directive contains fuel quantity specifications which enter into force in two stages, the first on the 1 January 2000 and the second on 1 January 2005. However, the specification for 2005 is incomplete and so must be completed as a matter of some urgency in order to provide regulatory clarity to the fuel producers and vehicle manufacturers. In preparing this proposal the Commission has also undertaken an analysis of the need to reduce further the level of sulphur in petrol and diesel below the 50mg/kg (parts per million or ppm) level already mandated for 2005. ?

Quality of petrol and diesel fuels: level of sulphur

The committee adopted the report by Heidi HAUTALA (Greens/EFA, FIN) broadly approving the proposal under the codecision procedure (1st reading), subject to a number of amendments. The committee called for the mandatory introduction of sulphur-free petrol and diesel fuel by 1 January 2008, three years ahead of the deadline proposed by the Commission. It also wanted off-road machinery and farm tractors to be included in the legislation, arguing that off-road machinery fuels must be subject to the same rules as road vehicle fuels to enable the off-road engine technology to develop and meet future emission standards. The committee called for the Commission to publish an annual report on actual fuel quality in the different Member States and geographic coverage of fuels with a maximum sulphur content of 10 mg/kg (ppm), in order to provide a clear picture of the situation EU-wide. Lastly, it advocated the use of tax incentives for cleaner fuels. ?

Quality of petrol and diesel fuels: level of sulphur

The European Parliament adopted the report by Mrs Heidi Anneli HAUTALA (Greens/EFA, FIN) on the quality of petrol and diesel fuels and amending Directive 98/70/EC. (Please refer to the previous text). In addition, the House also wants off-road machinery and farm tractors to be included in the legislation. MEPs agree with the Commission that 'zero-sulphur' fuels - defined as having a maximum sulphur content of 10 mg/kg (parts per million) - will help improve air quality across Europe by enabling new vehicle technologies to meet emissions standards and by reducing CO₂ emissions towards the Community's target of 120 g/kg for an average new car. MEPs also believe that industry is capable of meeting the new standards well before 2011. Moreover, the Parliament intends for a comprehensive review of alternative fuels, including liquid petroleum gas (LPG), compressed natural gas (CNG) and bio-fuels, to be undertaken, and the need for specific legislation considered. Another amendment advocates the use of tax incentives for cleaner fuels and supports the Commission's deadline of 1 January 2005 for the Member States to begin marketing sulphur-free fuels. The Parliament suggests that the Commission publish by 31 December 2003, and thereafter annually, a report on fuel quality in the different Member States and geographic coverage of fuels with a maximum sulphur content of 10 mg/kg (ppm), aiming to provide an overview of the fuel quality data in the different Member States.?

Quality of petrol and diesel fuels: level of sulphur

In its plenary vote on 29 November 2001, the EP adopted 36 amendments to the proposal. 17 of these have already been incorporated, either verbatim, in part or in spirit, into the Council's common position. The main issues are : - the final date after which the maximum sulphur content of all petrol and diesel sold must be limited to 10 mg/kg : the Commission proposed 1 January 2011, the EP proposed 1 January 2008 and the Council agreed on 1 January 2009. In relation to the availability of this fuel by 1 January 2005 the Council agreed that this should be on an "appropriate" geographic basis rather than "balanced" as in the Commission proposal; - non-road mobile machinery : the Commission did not propose changing this, the EP suggested the same requirements should apply from 1 January 2005 and the Council have requested that the Commission come forward with proposals in relation to fuel quality for non-road mobile machinery; however, Member States may now apply more stringent standards for sulphur content if they so wish; - more stringent environmental specifications for petrol and diesel than those set down in the directive when they are justified by local environmental conditions: the Council extended the current provision in Directive 98/70, whereby a Member State may seek permission to have more stringent environmental specifications for petrol and/or diesel in specific areas within its territory for air quality reasons, to include risks to groundwater pollution. More specifically, the 17 amendments, which Council has incorporated into its common position, can be grouped as follows: - reporting: the Commission agreed to make available the information requested in the new paragraph introduced by one of the amendments and another amendment makes small changes to the wording of the reporting requirement made on Member States; - dates: the earlier review date, suggested in one of the amendments for the full implementation of the proposal in relation to diesel fuel, of 31 December 2005 has been accepted verbatim, this fits with the Council's decision to make the end date two years earlier than proposed by the Commission; - 91 RON petrol: this amendment permits the continued sale of 91 RON petrol and was included as part of the common position; - review clause: the review clause agreed in the common position includes a requirement to consider the need to change other fuel parameters, and to encourage the introduction of the alternative fuels, including biofuels. The review also requires the Commission to consider the "impact of metallic additives and other relevant issues on the performance" of abatement technologies; - strengthening voluntary agreements: the spirit of this amendment has been incorporated with two minor changes to the wording; - recitals: amendments have been incorporated into the recitals. With regard to the 19 amendments which have not been incorporated into the common position, these refer to: - fiscal incentives; - derogations: the EP proposed to delete the possibility for a Member State to seek derogation from the obligation to market petrol and diesel with a sulphur content less than 50 parts per million from 1 January 2005 for up to two years; - definition of a balanced geographic basis: the EP proposed that the Commission should identify, via a Comitology procedure, criteria to determine what would constitute availability of 10mg/kg petrol and diesel on a balanced geographic basis during the introductory phase. In conclusion, the Council considers that its common position takes account of the Opinion of the European parliament in first reading to a large extent. The Council's common position has moved the Commission's proposal towards the EP opinion in relation to most of the amendments which were not accepted. It represents a balanced solution for the amended directive, which ensures the environmental benefit to be derived from the new limits while also making requirements on the industry, which are practically feasible.?

Quality of petrol and diesel fuels: level of sulphur

The common position was agreed unanimously by Council. The provisions are broadly in line with the Commission's proposal although the final date after which all petrol and diesel sold in the Community shall be subject to a maximum sulphur content of 10 mg/kg has been advanced by 24 months to 1 Jan 2009. In the case of diesel the final date of 1 Jan 2009 for complete market switchover to 10 mg/kg remains subject to confirmation in a review which will be completed by the Commission no later than 31 December 2005 instead of 31 December 2006 as originally proposed. The common position will not detract from the environmental benefits of the Commission's proposal in the long term. In the near term, depending on technology developments, the earlier date for final market switchover may slightly alter the balance between air quality improvements and reductions of emissions of carbon dioxide. However, this can be taken into account in the review to be completed by the end of 2005. Thus, the Commission can accept and support the common position.?

Quality of petrol and diesel fuels: level of sulphur

The committee adopted the report by Heidi HAUTALA (Greens/EFA, FIN) amending the Council's common position under the second reading of the codecision procedure. Although Parliament had proposed at first reading that the maximum sulphur content of 10 mg/kg should be compulsory from 2008, the committee now recommended that the date of 1 January 2009 put forward in the Council's common position be accepted. However, it reinstated a number of amendments adopted by Parliament at first reading, seeking inter alia to delete the derogations permitting the marketing of petrol and diesel with a high sulphur content from 1 January 2005 for up to two years and to delete the possibility of a review of diesel specifications during the 2005 review. It argued that producers could prepare better for 2009 if they were certain there would be no more changes in the meantime. The committee also reiterated Parliament's first reading proposal that the Commission should establish, via the comitology procedure, criteria for determining what would constitute availability of 10mg/kg petrol and diesel on a "balanced geographic basis" during the introductory phase. On the question of including non-road mobile machinery and agricultural and forestry tractors in the scope of the directive, the committee sought to achieve a compromise between Parliament's first reading amendments and the common position, by providing for a progressive reduction in the sulphur content followed, in a second stage, by compliance with the same requirements as for road vehicles. Whereas the Council had proposed that fuels used by non-road machinery and tractors should be subject to a sulphur content limit of 1000mg/kg by 1 January 2008, the committee proposed that the sulphur content be limited to 350mg/kg by 1 January 2005 at the latest, and that such fuels should meet the specifications set out in Annex IV (for road vehicles) no later than 1 January 2009. The committee also amended the title of Annex IV to reflect its proposed changes. Lastly, it stipulated that tax incentives should be used to encourage the use of cleaner conventional fuels and alternative fuels, in particular for non-road machinery and tractors so as to offset any increased costs.?

Quality of petrol and diesel fuels: level of sulphur

The European Parliament adopted a resolution based on the draft by Heidi HAUTALA (Greens/ EFA, Finland) on the quality of petrol and diesel fuels. (Please refer to the document dated 10/09/02).?

Quality of petrol and diesel fuels: level of sulphur

The European Parliament adopted seven amendments. The Commission accepts 2 in full, and 1 in principle. Those accepted include the two amendments that require the Commission, in the case of petrol and diesel respectively, to develop criteria for geographic availability of 10 mg/kg fuels during the introductory period in accordance with a comitology procedure. The Commission accepts in principle the amendment relating to the need to consider the implication of bio-fuel blending and matters such as the volatility of petrol in the next review of the directive. The Commission can request that the relevant CEN standards for petrol and diesel be amended if necessary. It cannot, however, change such standards itself. The Commission does not accept the amendments reflecting Parliament's view that the sulphur content of diesel used in compression ignition engines in non-road mobile machinery should be aligned with that used in on-road applications. Specifically, one amendment requires that diesel used in off-road applications should be subject to a maximum sulphur specification of 350 mg/kg from 1 January 2005 and that the sulphur content should be same as that specified for road diesel from 1 January 2009. This view is rejected since the work on the next stage of emission standards for compression ignition engines used in non-road applications is not finalised. The required fuel quality for such standards is not yet identified. It would be premature at this point to mandate the use of fuels with a lower sulphur content in this sector. Finally, the amendment proposing an additional part recital on the introduction of fiscal incentives for cleaner fuels is rejected, since there are no subsequent provisions relating to fiscal incentives in the directive.?

Quality of petrol and diesel fuels: level of sulphur

The Conciliation Committee formally reached agreement on the joint text of the directive. The main points of the compromise package can be summarised as follows: - as from 1 January 2009, the sulphur level in any petrol or diesel fuel offered for sale in the Community must not exceed 10 mg/kg. In the case of diesel fuel for use in mobile machinery, the quality standards are to be tightened up by means of a review to be completed by 31 December 2005. The aim is to bring the quality requirements which apply to fuel for mobile machinery into line with those which apply to fuel for road vehicles by the above deadline, which the Commission will confirm or amend in the course of the 2005 review; - the Member States will be required to ensure that by the beginning of 2005 low-sulphur petrol is available on a sufficiently balanced geographical basis. The instructions which the Commission draws up for the implementation of this instrument will take account of the special conditions in the most peripheral regions; - as part of the review, account will be taken of the consequences of mixing biofuels and, for example, the impact of this on the volatility of petrol, and if necessary a proposal will be made for amending CEN standard EN 228/1999; - the Member States will be urged to promote and support the use of tax incentives at the appropriate national or Community level. ?

Quality of petrol and diesel fuels: level of sulphur

The European Parliament adopted a resolution approving the joint text agreed by the Conciliation Committee. (Please refer to the document dated 20/01/03).?

Quality of petrol and diesel fuels: level of sulphur

PURPOSE : to complete the environmental specifications for petrol and diesel fuels in accordance with Article 9 of Directive 98/70/EC.
COMMUNITY MEASURE : Directive 2003/17/EC of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels. CONTENT : this Directive shall introduce zero sulphur fuels, with sulphur levels lower than 10mg/kg (ppm),

down from the current limit value of 50 ppm, as from 1 January 2005 at the same time as the entry into force of the new emission limits for EURO IV vehicles. Full conversion to zero sulphur fuels would take place on 1 January 2009. Member States would be able to take more stringent measures concerning the quality of petrol marketed in specific areas to protect public health or the environment in a specific sensitive area or in a specific agglomeration if there is a risk of ground water pollution. ENTRY INTO FORCE : 22/03/2003. IMPLEMENTATION : 30/06/2003. The Member States shall apply these measures from 1 January 2004.?