COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.05.1998
COM(1998) 241 final

96/0163 (COD)

OPINION OF THE COMMISSION
pursuant to Article 189 b (2) (d) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the

proposal for a
EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

concerning

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

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 189 a (2) of the EC Treaty

OPINION OF THE COMMISSION

1. BACKGROUND

On 18 June 1996, the Commission adopted a proposal for a European Parliament and Council Directive relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC[1]. This proposal formed an integral part of a cost effective strategy for the control of atmospheric emissions from road transport as set out in the Communication from the Commission to the European Parliament and the Council "On a future strategy for the control of atmospheric emissions from road transport taking into account the results of the Auto Oil programme" which was adopted at the same time (COM (96) 248 final).

The Economic and Social Committee adopted its opinion on 24 April 1997[2].

In the framework of the co-decision procedure, the European Parliament delivered its opinion in the first reading on 10 April 1997[3] including a number of proposed amendments.

In view of these amendments, the Commission submitted an amended proposal for a European Parliament and Council Directive relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (COM (97) 271 final).

The Council adopted its common position (EC 39/97) on 7 October 1997[4] on which the Commission delivered its opinion in a Communication (SEC (97) 1874 final) on 16 October 1997.

In second reading, the European Parliament on 18 February 1998 adopted 36 amendments to the common position.

2. PURPOSE OF THE COMMISSION PROPOSAL

The proposed directive on the quality of petrol and diesel fuels aims at controlling those parameters in the composition of petrol and diesel which influence the level of atmospheric emissions produced by spark ignition and diesel vehicles. Harmonised specifications for petrol and diesel fuels are therefore proposed to take effect across the Community as from 1 January 2000. The sale of leaded petrol is also to be banned as from the same date. The proposal also foresees the possibility for Member States to mandate the use of special, high quality fuels in agglomerations or zones where there is a particularly severe problem of air pollution affecting human health or the environment.

---

1 OJ C 77 of 11.3.1997, p. 1
OJ C 209 of 10.7.1997, p. 25

2 OJ C 206 of 7.7.1997, p. 113

3 OJ C 132 of 28.04.1997, p. 159

4 OJ C 351 of 19.11.1997, p. 1

3. OPINION OF THE COMMISSION ON THE AMENDMENTS OF THE EUROPEAN PARLIAMENT

Of the 36 amendments adopted by the European Parliament in second reading (35 totally and 1 partially), the Commission can accept 3 in their entirety (nrs 11, 13, 17), 4 partially (nrs 14 (Recital 16 3rd whereas) , 23 (Article 9.3), 24 (Article 11.1), 24 (Article 11.2)) and 1 in principle (nr 6 provided an additional wording). Accordingly, the Commission can not support in their entirity the amendments nrs 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 16, 18, 19, 20, 21, 22, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37 and partially the amendments nrs 14 (Recital 16 1rst whereas), 15 (Article 3.2), 15 (Article 3.4), 15 (Article 3.5), 23 (Article 9.1), 23 (Article 9.2), 24 (Article 11.3).

Amendments which can be accepted:

- Amendments 11, 13 and 17 have been accepted in their entirety

  On the grounds of redundancy with Article 13, amendments 11 and 17 propose the deletion of the date of application (1 January 2000) for the fuels marketed.

  Amendment 13 introduces the concept of common procedures for sampling and testing in the Member States' fuels monitoring systems. The Commission supports such harmonization which will increase the efficiency of its reporting interpretation.

- Amendment 6 has been accepted in principle

  It states that changes in fuel composition immediately achieve emission reduction from positive ignition engines (gasoline fuelled) in urban areas. The Commission can support this amendment provided that the following wording is added: "provided that some specifications do not go below or exceed certain levels". Indeed, below or beyond a certain limit for certain specifications (aromatics and oxygenates), the level of emissions increases.

- Parts of amendments 14 (Recital 16 3rd whereas) and 23 (Article 9.3) have been accepted.

  Separate specifications for fuels used by captive fleets (buses, taxis, commercial vehicles etc.), and in particular fuels specifications for liquid petroleum gas, natural gas and biofuels, are proposed. The Commission can support this working program as part of the current work performed under the framework of the Auto Oil II Review Process.

- Amendment 24 has been accepted partially (Articles 11.1 and 11.2)

  It establishes a Committee of advisory nature and requests the Commission to take the utmost account of this Committee opinion. The Commission can agree.

Amendments which cannot be accepted:

- The Commission's proposal is based on the principle of cost effectiveness as required under Article 4 of Directive 94/12/EC. The Commission cannot

therefore accept that the proposals should instead have been based on the principle of cost benefit. Amendments 3, 4, 5, part of 23 (Article 9.1) are therefore not acceptable.

- The proposals for fuel standards to enter into force in 2000 were based upon an extensive assessment of the cost effectiveness (as requested by Directive 94/12/EC in its Article 4) of a range of measures contributing to reduced vehicle emissions. The Commission considers that the proposal on fuel form part of a cost effective package of measures and that it is not therefore necessary to increase the severity of the fuel specifications to enter into force in 2000 in order to achieve agreed upon EU wide air quality standards by 2010. The Commission cannot therefore accept amendments 25, 26, 29. On the other hand the Commission believes that fuel standards should be introduced at the latest by 2000 in order to contribute towards reducing vehicle emissions. The Commission cannot therefore accept the possibility of a several years delay in introducing these measures: parts of amendments 15 (Article 3.4) and 16 (Article 4.2) are therefore unacceptable to the Commission.

- With regard to the proposed standard for the maximum level of oxygenates in petrol (2.3%) included in the proposal, the Commission considers that there is evidence that to increase the maximum level may result in increased levels of pollution by toxic substances such as aldehydes. The Commission cannot therefore accept amendments 7 and 27.

- The Commission considers that fuel standards for 2005 can only be finalised on the basis of further scientific and technical assessments included in the ongoing Auto Oil II Programme. In the absence of such further assessments the laying down of mandatory fuel standards for 2005 is premature. For this reason the Commission cannot accept amendments 1, 10, 12, 19, 30, 31, 32, 33, 34, 35, 36, 37 and parts of amendment 14 (Recital 16 1st whereas), 15 (Article 3.2), 16 (Article 4.1), 23 (Article 9.2).

- The Community framework for the application of fiscal incentives for the encouragement of the marketing of cleaner fuels is established under Directive 92/81/EEC. The Commission does not consider it appropriate to set up a separate fiscal framework under the present directive and accordingly cannot accept amendments 8, 9, 18.

- The fuels proposal is part of a balanced package of measures to reduce emissions from road vehicles to a level compatible with the attainment of satisfactory air quality standards by the year 2010. This proposal will result in a significant improvement of the average fuel quality sold in the Community. The Commission cannot therefore accept amendment 2.

- The Commission considers that the conditions under which Committees should be consulted and the working procedures of such Committees are horizontal issues which should not be dealt with in an ad-hoc manner in relation to specific legislative proposals. Accordingly, the Commission cannot accept amendments 20, 21, 22 and parts of amendment 15 (Article 3.5), 16 (Article 4.3), 24 (Article 11.3).

4. MODIFIED PROPOSAL

By adopting its opinion on the common position regarding a Directive of the European Parliament and the Council relating to the quality of petrol and diesel fuels and amending Council directive 93/12/EEC, the Commission expressed its satisfaction with the common position on the grounds that the common position remained close to the Commission's original proposal, confirmed the principles of cost effectiveness as well as the commitment to base future proposals on extensive scientific/technical assessment, and was adopted unanimously.

Following the second reading by the European Parliament of the Draft Directive, the Commission herewith modifies its proposal for a Directive by including the accepted amendments (3 in their entirety, 4 partially, and 1 in principle).

AMENDED PROPOSAL FOR

A EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

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

Common position of the Council [1]	**Amended proposal**
	(Amendment 6)
	Recital 9
(9) 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;	(9) Whereas it is necessary to obtain in the short term a reduction, in particular in urban areas, of 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 equipped with positive ignition engines through changes in fuel composition, provided that some specifications do not go below or exceed certain levels.

[1] OJ C 351 of 19.11.1997, p. 1

Common position of the Council	Amended proposal
	(Amendment 11)
	Recital 13
(13) 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 as from 1 January 2000 of unleaded petrol and diesel fuels;	(13) 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;

Common position of the Council	Amended proposal
	(Amendment 13)
	Recital 15
(15) Whereas, in order to ensure compliance with the fuel quality standards required under this Directive, Member States should introduce monitoring systems, and whereas information on fuel quality collected by Member States should be communicated to the Commission according to a common format;	(15) 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;

Common position of the Council	Amended proposal
	(Amendment 14)
	Recital 16
(16) Whereas, on the basis of a comprehensive assessment, the Commission is to submit a proposal setting down inter alia environmental specifications for petrol and diesel fuels to be applied as from 1 January 2005; whereas this proposal is to confirm modify and complement the indicative specifications set down in this Directive; 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;	(16) Whereas, on the basis of a comprehensive assessment, the Commission is to submit a proposal setting down inter alia environmental specifications for petrol and diesel fuels to be applied as from 1 January 2005; whereas this proposal is to confirm modify and complement the indicative specifications set down in this Directive; 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;

Common position of the Council	Amended proposal
	(Amendment 17)
	Article 5
No Member State may prohibit, restrict or prevent the placing on the market of fuels which comply with the requirements of this Directive as from 1 January 2000.	No Member State may prohibit, restrict or prevent the placing on the market of fuels which comply with the requirements of this Directive.

Common position of the Council	Amended proposal
	(Amendment 23)
	Article 9
1. The Commission shall, periodically and for the first time not later than 12 months from the date of adoption of this Directive but in any event no later than 30 June 1999, and in the light of the assessment carried out in accordance with the requirements of Article 3 of Directive 97/.../EC of the European Parliament and of the Council of ... relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC[1], submit to the European Parliament and the Council a proposal for a revision of this Directive as an integral part of the strategy designed to produce effects to meet the requirements of the Community air quality standards and related objectives at least costs.	1. The Commission shall, periodically and for the first time not later than 12 months from the date of adoption of this Directive but in any event no later than 30 June 1999, and in the light of the assessment carried out in accordance with the requirements of Article 3 of Directive 97/.../EC of the European Parliament and of the Council of ... relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC[2], submit to the European Parliament and the Council a proposal for a revision of this Directive as an integral part of the strategy designed to produce effects to meet the requirements of the Community air quality standards and related objectives at least costs.

2. The proposal shall contain the environmental specifications required for petrol which is marketed from 1 January 2005, confirming or modifying and complementing the indicative specifications stipulated in Annex III.

3. The proposal shall also contain environmental specifications for diesel fuels of a quality compatible with the effective functioning of new pollution abatement technologies the marketing of which will be ensured from 1 January 2005, confirming or modifying and complementing the indicative specifications stipulated in Annex IV. The proposal shall also allow for a gradual increase in the availability and a balanced distribution throughout the territory of the Member States of such diesel fuel and contain a date on which only such diesel fuel can be marketed.

4. The proposal shall, as appropriate, also contain environmental specifications for liquid petroleum gas, natural gas and biofuels.

2. The proposal shall contain the environmental specifications required for petrol which is marketed from 1 January 2005, confirming or modifying and complementing the indicative specifications stipulated in Annex III.

3. The proposal shall also contain environmental specifications for diesel fuels of a quality compatible with the effective functioning of new pollution abatement technologies the marketing of which will be ensured from 1 January 2005, confirming or modifying and complementing the indicative specifications stipulated in Annex IV. The proposal shall also allow for a gradual increase in the availability and a balanced distribution throughout the territory of the Member States of such diesel fuel and contain a date on which only such diesel fuel can be marketed. In addition to the provisions of paragraphs 1 and 2, the Commission may inter alia bring forward

= proposals taking into consideration the particular situation of captive fleets and the need to propose levels of specifications for the special fuels they use;

= proposals setting levels of specifications applicable to liquid petroleum gas, natural gas and biofuels;

Common position of the Council	Amended proposal
	(Amendment 24)
	Article 11
1. The representative of the Commission shall submit to the committee referred to in Article 10 a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.	1. The Commission shall be assisted by a committee of an advisory nature composed of one representative per Member State and chaired by the representative of the Commission. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote. The opinion shall be recorded in the minutes; in addition each Member State shall have the right to ask to have its position recorded in the minutes.

2. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.	2. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner of which its opinion has been taken into account.
If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.	
If, on the expiry of 3 months from the date of referral to the Council, the Council has not acted, the proposal measures shall be adopted by the Commission, save where the Council has decided against the said measures by a simple majority.	

ISSN 0254-1475

COM(98) 241 final

DOCUMENTS

EN 12 10 15 14

Catalogue number : CB-CO-98-256-EN-C

ISBN 92-78-35185-7

Office for Official Publications of the European Communities

L-2985 Luxembourg

15