



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.10.2002
COM(2002) 604 final

2001/0107 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

amending Directive 98/70/EC on the quality of petrol and diesel fuels.

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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on the European Parliament's amendments
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1. BACKGROUND

The proposal for a European Parliament and Council Directive on the quality of petrol and diesel fuels and amending Directive 98/70/EC (COM (2001) 241 final 2001/0107 COD) was adopted by the Commission on 11 May 2001 and published in the Official Journal C 213E of 31 July 2001.

The Economic and Social Committee adopted its Opinion on 18 October 2001.

The Committee of Regions did not give an Opinion.

The European Parliament gave its Opinion (First Reading) on 29 November 2001.

The Council reached political agreement on 13 December 2001 and formally adopted its Common Position on 15 April 2002.

The European Parliament gave its Opinion (Second Reading) on 26 September 2002.

This opinion sets out the Commission's position on the European Parliament's amendments in accordance with Article 251 (2)(c) of the EC Treaty.

2. AIM OF COMMISSION PROPOSAL

The proposal required Member States to introduce petrol and diesel with a maximum sulphur content of 10 parts per million (mg/kg) into the marketplace on a balanced geographic basis no later than 1 Jan 2005. It also proposed that all petrol and diesel sold in the Community after 1 Jan 2011 be subject to a maximum sulphur content of 10 mg/kg with the date for diesel subject to confirmation in a review to be completed no later than 31 Dec 2006. The Council in its Common Position advanced the final date for petrol and diesel to 1 January 2009 and the date of the review to confirm the final date in the case of diesel until 31 December 2005.

3. COMMISSION'S OPINION ON THE AMENDMENTS PROPOSED BY THE PARLIAMENT

3.1. Summary of the Commission's position

The European Parliament adopted 7 of the 13 amendments tabled at its Plenary Session on 26 September 2002. 2 amendments can be accepted by the Commission in full (amendments **4** and **7**) and 1 amendment can be accepted in principle (amendment **12**). The remaining 4 amendments (amendments **1**, **3**, **10**, **13**) cannot be accepted.

3.2. Parliament's amendments on second reading

3.2.1. Amendments accepted

The Commission can accept amendments **4** and **7** 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.

3.2.2. Amendments accepted in principle

The Commission can accept Amendment **12** in principle relating to the need to consider the implications of bio-fuel blending and for example its impact on the volatility of petrol in the next review of the directive. In this context and as a result of its review the Commission can request that the relevant CEN standards for petrol and diesel are amended if necessary. However, the Commission cannot change such standards itself.

3.2.3. Amendments not accepted

Amendments **3**, **10** and **13** relate to Parliament's view that the sulphur content of diesel used in compression ignition engines in non- road mobile machinery (tractors, excavators etc.) should be aligned with that used in on-road applications. Specifically amendment **10** requires that diesel used in off road applications should be subject to a maximum sulphur specification of 350 mg/kg from 1 Jan 2005 and that the sulphur content should be the same as that specified for road diesel from 1 Jan 2009.

The Commission does not accept this view as the work on the next stage of emission standards for compression ignition engines used in non-road applications is not finalised nor is the required fuel quality for such standards yet identified. As a result, until the timetable for the introduction into the marketplace of the next stage of emission standards is clear, it would be premature at this point to mandate the use of fuels with a lower sulphur content in this sector. Therefore the Commission does not accept amendments **3**, **10** and **13**.

Amendment **1** proposes that text should be added to recital 8 proposing that the introduction of fiscal incentives should be supported for both cleaner conventional fuels and alternative fuels. The Commission does not believe this to be appropriate in this directive as there are no subsequent substantial provisions relating to fiscal incentives in the directive. Consequently the Commission does not accept this amendment.

4. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.