

STATUTORY INSTRUMENTS

S.I. No. 541 of 2003

AIR POLLUTION ACT, 1987 (ENVIRONMENTAL SPECIFICATION FOR PETROL AND DIESEL FUELS) REGULATIONS 2003

The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by sections 10, 13 and 53 of the Air Pollution Act 1987 (No. 6 of 1987) and for the purpose of giving effect to Council Directive 203/17 'EEC⁽¹⁾ amending Directive 98/70/EC⁽²⁾ relating to the quality of petrol and diesel fuels, hereby make the following Regulations:-

⁽²⁾ O.J. No. L 350 58 of 28 December 1998

⁽¹⁾ O.J. No. L76 10 of 22 March 2003

⁽²⁾

Citation

1 (1) These Regulations may be cited as the Air Pollution Act 1987 (Environmental Specifications for Petrol And Diesel Fuels) Regulations 2003.

(2) These Regulations and the Air Pollution Act 1987 (Environmental Specifications for Petrol and Diesel Fuels) Regulations 1999 (S.I. No. 407 of 1999) shall be construed together as one and may be collectively cited as the Air Pollution Act 1987 (Environmental Specifications for Petrol and Diesel Fuels) Regulations 1999 and 2003.

Entry into Force

2. These Regulations shall come into effect on 1 January 2004.

Definitions

3. (1) In these Regulations -

"the 2003 Directive" means Council Directive 2003/17/EEC amending Directive 98/70/EC relating to the quality of petrol and diesel fuels:

"distributing" means the distribution of petrol or diesel fuels for consumption in road transport from the point of first production in the State or first importation into the State:

(2) In these Regulations:-

(a) a reference to an article which is not otherwise identified is a reference to an article of these Regulations: and

(b) a letter, word, phrase or symbol which has been assigned a meaning by the 2003 Directive, or is used in the 2003 Directive, has that meaning where the context requires except where otherwise indicated.

Environmental Specifications for Petrol

4 On or after 1 January 2005, a person shall not market petrol in the State unless it complies with the environmental specifications set out in the First Schedule.

5 On or after 1 January 2009 a person shall not market petrol in the State unless it complies with the environmental specifications set out in the Third Schedule.

Environmental Specifications for Diesel Fuels

6 On or after 1 January 2005 a person shall not market diesel fuel in the State unless it complies with the environmental specifications set out in the Second Schedule.

7 On or after 1 January 2009 a person shall not market diesel fuel in the State unless it complies with the environmental specifications set out in the Fourth Schedule.

Sulphur Free Fuels

8 Notwithstanding the provisions of articles 4 and 6, persons or companies distributing petrol or diesel fuels in the State shall ensure that petrol or diesel fuels, as appropriate, with a maximum sulphur content of 10 mg/kg shall be made available on an appropriately balanced geographical basis from 1 January 2005, and such petrol or diesel fuels shall comply in all other respects with the specifications provided for in articles 4 and 6, as appropriate.

Exemption for Diesel Fuels Specifications in Certain Uses

9 Article 10 of the 1999 Regulations is hereby amended by the addition:

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(1) After "agricultural" of "and forestry": and

(2) After "2000 mg/kg" of "and by 1 January 2008 at the latest, 1000 mg/kg".

Fuel Quality Measurement and Monitoring

10 The measurement methods to be applied in relation to the environmental specifications for petrol shall be those analytical methods set out in European standard EN 228: 1999, and in relation to the environmental specifications for diesel fuel, shall be those analytical methods set out in European standard EN 590: 1999.

11 Fuel quality shall be monitored in accordance with the requirements of the relevant European standard, when established, or any alternative system ensuring results of equivalent confidence, and shall be based on the analytical methods set out in article 10, as appropriate.

Prosecutions

12 An offence in relation to articles 4 to 9 may be prosecuted summarily by an officer of the Revenue Commissioners.

Revocations

13 (1) (a) Articles 5(3), 6, 8(3), 9 and 12 of the Air Pollution Act 1987 (Environmental Specifications for Petrol and Diesel Fuels) Regulations 1999 (S.I. No. 407 of 1999): and

(b) The Air Pollution Act 1987 (Environmental Specifications for Petrol and Diesel Fuels) (Amendment) Regulations 2001 (S.I. No. 234 of 2001) are revoked with effect from 1 January 2004.

(2) (a) Articles 5(1), 5(2), 8(1) and 8(2) and the Schedules to the Air Pollution Act 1987 (Environmental Specifications for Petrol and Diesel Fuels) Regulations 1999 (S.I. No. 407 of 1999): and

(b) The Air Pollution Act 1987 (Environmental Specifications for Petrol and Diesel Fuels) Regulations 2000 (S.I. No. 72 of 2000) are revoked with effect from 1 January 2005.

Environmental Specifications for Petrol from 1 January 2005

Parameter

Unit

Limits

Minimum

Maximum

Research Octane Number

95

--

Motor Octane Number

85

--

Reid Vapour Pressure, summer period

kPa

--

70.0

Distillation:

- evaporated at 100° C

- evaporated at 150° C

% v/v

% v/v

46.0

75.0

--

--

Hydrocarbon analysis:

- olefins

- aromatics

- benzene

% v/v

% v/v

% v/v

--

--

--

18.0

35.0

1.0

Oxygen content

% m/m

2.7 --

Oxygenates:

- Methanol, stabilising agents must be added
- Ethanol, stabilising agents may be necessary
- Iso-propyl alcohol
- Tert-butyl alcohol
- Iso-butyl alcohol
- Ethers containing 5 or more carbon atoms per molecule

% v/v

% v/v

% v/v

% v/v

% v/v

% v/v

--
--
--
--
--
--

3
5
10
7
10
15

Other oxygenates

% v/v

10 --

Sulphur content

mg/kg

50 --

Lead content

g/l

0.005 --

Environmental Specifications for Diesel Fuel from 1 January 2005

Parameter	Unit	Limits
	Minimum	Maximum
Cetane Number		51
	--	
Density at 15° C	kg/m ³	
	--	
	845	
Distillation:		
- 95 % point	°C	
	--	
	360	
Polycyclic aromatic hydrocarbons	% m/m	
	--	
	11	
Sulphur content	mg/kg	
	--	
	50	

Environmental Specifications for Petrol from 1 January 2009

The specifications shall be the same for all parameters as set out in the First Schedule, except for the following amendment.

Parameter	Unit	Limits
	Minimum	
	Maximum	
Sulphur content	mg/kg	--
	10	

Environmental Specifications for Diesel Fuel from 1 January 2003

The specifications shall be the same for all parameters as set out in the Third Schedule, except for the following amendment.

Parameter	Unit	Limits
	Minimum	
	Maximum	
Sulphur content	mg/kg	--
	10	

(L.S.)

Given under the Official Seal of the Minister for the Environment, Heritage and Local Government this 11th day of November 2003

MARTIN CULLEN

Minister for the Environment, Heritage

and Local Government

EXPLANATORY NOTE

(This is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations transpose Directive 2003/17/EC of the European Parliament and of the Council of 3 March 2003 amending Directive 98/79/EC relating to the quality of petrol and diesel fuels.

The Regulations provide for the marketing on an appropriate geographical basis of petrol and diesel fuels with a maximum sulphur content of 10mg/kg ("sulphur free") from the 1st day of January 2005 and throughout the State from the 1st day of January 2009. The Regulations also provide for the measurement and monitoring of fuel quality and for the prosecution of certain offences by an officer of the Revenue Commissioners.