

S.I. No. 156/2011 — European Communities Act 1972 (Sulphur Content of Heavy Fuel Oil, Gas Oil, and Marine Fuels) (Amendment) Regulations 2011.

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 5th April, 2011.

I, PHIL HOGAN, Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2009/30/EC¹ of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC² as regards the specification of petrol, diesel and gas-oil and amending Council Directive 1999/32/EC³ as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC⁴, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities Act 1972 (Sulphur Content of Heavy Fuel Oil, Gas Oil, and Marine Fuels) (Amendment) Regulations 2011.

Entry into Force

2. These Regulations shall come into effect on 31 March 2011.

Definitions

3. In these Regulations—

“gas oils intended for use by non-road mobile machinery (including inland waterway vessels), agricultural and forestry tractors, and recreational craft” means any petroleum-derived liquid, falling within CN codes 2710 19 41 and 2710 19 45, intended for use in compression ignition engines referred to in Directives 94/25/EC⁵, 97/68/EC⁶ and 2000/25/EC⁷;

“Principal Regulations” means Sulphur Content of Heavy Fuel Oil, Gas Oil, and Marine Fuels Regulations 2008 (S.I. No. 119 of 2008).

Objective and Scope

4. Regulation 4(3) of the Principal Regulations is amended—

(a) in subparagraph (f), after the word “recklessly;” by deleting “and”,

(b) in subparagraph (g) by substituting “2005 Directive; and” for “2005 Directive.”
and

(c) by inserting after subparagraph (g) the following subparagraph:

“(h) gas oils intended for use by non-road mobile machinery (including inland waterway vessels), agricultural and forestry tractors, and recreational craft.”.

Maximum Sulphur Content of Gas Oil

5. The following Regulation is substituted for Regulation 6 of the Principal Regulations:

“6.(1) A person shall not use gas oil, the sulphur content of which exceeds 0.1% by mass.

(2) This Regulation does not apply to gas oils intended for use by non-road mobile machinery (including inland waterway vessels), agricultural and forestry tractors, and recreational craft.”.

Maximum Sulphur Content of Marine Fuel

6. Regulation 7 of the Principal Regulations is amended—

(a) by substituting for paragraph (2) the following paragraph:

“(2) A person shall not place on the market marine diesel oils in the State if the sulphur content exceeds 1.5% by mass.”;

(b) in paragraph (4), by deleting subparagraph (a), and

(c) in paragraph (5), by deleting subparagraph (b).

GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government,

31 March 2011.

PHIL HOGAN,

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 amend the Sulphur Content of Heavy Fuel Oil, Gas Oil, and Marine Fuels Regulations 2008 by excluding gas oils intended for use by non-road mobile machinery (including inland waterway vessels), agricultural and forestry tractors, and recreational craft from the scope of those Regulations. Such gas oils are now regulated under the European Communities Act, 1972 (Environmental Specifications for Petrol, Diesel Fuels and Gas Oils for use by non-road mobile machinery, including inland waterway vessels, agricultural and forestry tractors, and recreational craft) Regulations 2011.

1 OJ L 140, 5.6.2009, p. 88-113

2 OJ L 350, 28.12.1998, p. 58-68

3 OJ L 121, 11.5.1999, p. 13-18

4 OJ L 74, 27.3.1993, p. 81-83

5 OJ L 164, 30.6.1994, p. 15-38

6 OJ L 59, 27.2.1998, p. 1

7 OJ L 173, 12.7.2000, p. 1-34

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