

Reduction in the sulphur content of certain liquid fuels. Codification

2014/0216(COD) - 11/05/2016 - Final act

PURPOSE: codification of Council Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels.

LEGISLATIVE ACT: Directive (EU) 2016/802 of the European Parliament and of the Council relating to a reduction in the sulphur content of certain liquid fuels.

CONTENT: in the interests of clarity and rationality, this Directive **codifies and repeals Council Directive 1999/32/EC**, which has been substantially amended several times.

The Directive aims to **reduce the emissions of sulphur dioxide** resulting from the combustion of certain types of liquid fuels and thereby to reduce the harmful effects of such emissions on man and the environment. It lays down the **maximum permitted sulphur content of heavy fuel oil, gas oil, marine gas oil and marine diesel oil** used in the Union.

Heavy fuel oil and gas oil: Member States shall ensure that the following are not used within their territory:

- heavy fuel oils if their sulphur content exceeds **1.00 %** by mass;
- gas oils if their sulphur content exceeds **0.10 %** by mass.

With regard to the limit on the sulphur content of heavy fuel oil, the Directive provides for: (i) derogations in Member States and regions where the environmental conditions so allow;(ii) derogations for their use in **combustion plants** which comply with the emission limit values laid down in [Directive 2001/80/EC](#) of the European Parliament and of the Council, or in Annex V to [Directive 2010/75/EU](#) of the European Parliament and of the Council.

Marine fuel: in 2008, the International Maritime Organisation (IMO) adopted a resolution to amend Annex VI to the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL), containing regulations for the prevention of air pollution from ships.

In order to ensure coherence with international law, the Directive **conforms with Annex VI to MARPOL introduces**, which entered into force on 1 July 2010. Annex VI to MARPOL introduces, inter alia, stricter sulphur limits for marine fuel in SO_x in emission Control Areas (**1.00 % as of 1 July 2010 and 0.10 % as of 1 January 2015**) as well as in sea areas outside SO_x Emission Control Areas (**3.50 % as of 1 January 2012 and, in principle, 0.50 % as of 1 January 2020**).

Emission abatement methods: the Directive facilitates access to emission abatement methods. Those methods can provide emission reductions at least equivalent to, or even greater than, reduction achievable using low sulphur fuel, provided that they have no significant negative impacts on the environment, such as marine ecosystems, and that they are developed subject to appropriate approval and control mechanisms.

Sampling and monitoring: in order to ensure the proper implementation of the Directive, Member States must: (i) ensure sufficiently frequent and accurate **sampling** of marine fuel placed on the market or used

on board ship as well as regular verification of ships' logbooks and bunker delivery notes; (ii) establish a system of effective, proportionate and dissuasive **penalties** for non-compliance with the provisions of the Directive.

ENTRY INTO FORCE: 11.6.2016.

DELEGATED ACTS: the Commission may adopt delegated acts in respect of the amendment of the equivalent emission values for, and the criteria for the use of, emission abatement methods laid down in Annexes I and II to the Directive, in order to adapt them to scientific and technical progress. The power to adopt delegated acts is conferred on the Commission for a **period of five years from 17 December 2017** (which may be tacitly extended for the same period). The European Parliament or the Council may raise objections to a delegated act within three months of notification (which may be extended by three months.) If Parliament or Council raise objections, the delegated act will not enter into force.