EXPLANATORY MEMORANDUM TO

THE MOTOR FUEL (COMPOSITION AND CONTENT) (AMENDMENT) REGULATIONS 2015

2015 No. 1796

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

These Regulations transpose into United Kingdom law amendments to Annexes I and II of Directive 98/70/EC ("the 1998 Directive"), relating to the quality of petrol and diesel fuels, made by European Directive 2014/77/EU.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

4.1 The 1998 Directive is transposed into United Kingdom law in part by the Motor Fuel (Composition and Content) Regulations 1999, SI 1999 No. 3107 ("the 1999 Regulations").

4.2 This instrument amends the 1999 Regulations so as to reflect amendments made to technical annexes to the 1998 Directive by Commission Directive 2014/77/EU.

4.3 Member States were required to transpose Directive 2014/77/EU into national law by 10th June 2015.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 This instrument updates the definition of "the Directive" in the 1999 Regulations to refer to Directive 98/70/EC as last amended by Directive 2014/77/EU. A consolidated version of the 1998 Directive can be found at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01998L0070-20140701.

7.2 Article 1 of Directive 2014/77/EU updates footnotes in Annexes I and II of the 1998 Directive (which set out petrol and diesel specifications) so as to reference the latest versions of the industry fuel standards EN228 and EN590. These standards are referenced primarily to define the methods used for testing whether fuels comply with the specifications. The 1999 Regulations define petrol and diesel specifications by reference to Annexes I and II of the Directive and the amendment will ensure that the latest version of the Annexes, with the footnotes referencing the 2012 and 2013 versions of EN 228 and EN 590 respectively, are called up by the 1999 Regulations. These are the versions of the EN 228 and EN 590 specifications actually being used by industry, so that the amendment simply aligns the detail of the legislation with current practice.

- Consolidation

7.3 There are no plans to consolidate legislation amended by these Regulations.

8. Consultation outcome

8.1 The Department has consulted bodies representing fuel suppliers and with both manufacturers and users of vehicles, oil fuel and of contractors' plant and equipment.

8.2 In view of the very minor and wholly technical nature of the amendments, the Department considered that a targeted consultation, rather than a wider public consultation, was appropriate and the consultation was therefore was limited to industry stakeholders who might have a direct or indirect interest. It ran from the 28th August to the 21st September 2015.

8.3 The Department did not receive any comments on the proposed amendments from industry stakeholders.

8.4 The consultation draft of the Regulations proposed changes to the 1999 Regulations which would have had the effect of referring to the technical annexes to the 1998 Directive as further amended, thereby avoiding the need to update the 1999 Regulations in the future if amendments were made to those technical annexes. The Department did not receive any comment from consultees in relation to these proposed references to the technical annexes. However following internal consultation, it was decided not to include those changes at this time. The Department has written to industry stakeholders to notify them of this.

9. Guidance

Since the substantive changes made by the Regulations are of direct interest only to professionals involved in fuel testing who are already applying its substance, the publication of guidance is considered unnecessary.

10. Impact

10.1 Impact on business, charities or voluntary bodies is nil.

10.2 Impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

10.4 Since this amendment changes a minor technical detail of the 1999 Regulations which is consistent with current industry practice it will place no burden upon business, will not impact upon the price of fuel to consumers, and will have no impact upon the environment.

11. Regulating small business

The legislation applies to small business. Some companies involved in fuel testing may be small businesses, but the Regulations will place no burden upon businesses generally and so will place no burden upon small businesses in the sector.

12. Monitoring & review

These Regulations include a provision requiring a statutory review to be held no later than five years after the Regulations have come into force.

13. Contact

Douglas Hannah at the Department for Transport Tel: 0207 944 3056 or email: douglas.hannah@dft.gsi.gov.uk, can answer any queries regarding the instrument.