EXPLANATORY MEMORANDUM (SUPPLEMENTARY) TO

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

2015 No. 1796

1. Introduction

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

2. Purpose of the instrument

2.1 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 Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

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, S.I.1999/3107 (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. Extent and Territorial Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 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 The amendment updates the national Regulations for petrol and diesel fuels so that references to European standards for each of these fuels are to the latest versions. These European standards define the acceptable methods for testing whether fuel complies with the requirements of the Fuel Quality Directive (the "1998 Directive"). The standards are updated when procedures or methods are improved. Citing the latest versions will ensure that the most appropriate tests are being used and is in line with industry practice.

7.2 The 1999 Regulations transpose the aspect of the 1998 Directive relating to the specification of petrol and diesel fuels on health and environmental grounds. The specifications control various parameters of petrol and diesel that can have an effect on emissions from internal combustion engines. As the current amendments are only in relation to the test methods, there is no alteration to the health and environmental protection provided by the legislation. A consolidated version of the 1998 Directive can be found at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01998L0070-20140701.

7.3 The European standards for petrol and diesel, EN 228 and EN 590 respectively, are industry agreed specifications for the fuels. They include the environmental specifications which are in the 1998 Directive but they also include additional parameters which help the industry ensure compatibility between the fuel and engine. Also included within the standards are the industry agreed test methods for ensuring that the fuels meet each of the parameters which the Directive requires. To keep the 1998 Directive up-to-date with recent changes the reference to the standards in the Directive has been modified to the latest versions of EN 228 and EN 590.

7.4 For petrol, the applicable developments in the standard (EN 228) involves a new test method introduced for quantifying the oxygenates in the fuel, with a previously allowed test removed, and an update to the method for determining the vapour pressure of the fuel. One of the allowed test methods for determining sulphur content had been removed with a new test introduced, whilst the other allowed tests have been updated. Oxygenates are chemical compounds that contain oxygen and are added to petrol to improve combustion and thus reduce the amount of carbon monoxide (CO) and soot produced but can result in the increase in oxides of nitrogen (NO_x). The vapour pressure is used to determine the evaporation rate of the fuel and is controlled to limit the amount of petrol evaporating into the atmosphere.

7.5 The applicable developments in the diesel standard (EN 590) involves new test methods for determining the cetane number and the boiling range distribution of the fuel. The same changes to the test methods for determining sulphur content that have been applied to petrol have also been applied to diesel. Cetane is a measure of the ignition properties of the fuel, with a higher cetane numbers meaning a shorter ignition delay and therefore a more complete combustion.

7.6 These updates to the European standards solely improve accuracy in test results or offer alternative methods. By referencing the latest standards there is no change in the protection provided by the 1999 Regulations and avoids the potential use of test methods that are no longer deemed appropriate.

7.7 The 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. 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.

Consolidation

7.8 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, contractors' plant and equipment and of oil fuel.

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

9.1 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 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

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

11.1 The legislation applies to activities that are undertaken by small businesses. 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

12.1 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

13.1 Douglas Hannah at the Department for Transport, telephone: 020 7944 3056 or email: douglas.hannah@dft.gis.gov.uk, can answer any queries regarding the instrument.