

# COMMISSION

## COMMISSION RECOMMENDATION

of 12 January 2005

**on what, for the purposes of Directive 98/70/EC of the European Parliament and of the Council concerning petrol and diesel fuels, constitutes availability of unleaded petrol and diesel fuel with a maximum sulphur content on an appropriately balanced geographical basis**

(Text with EEA relevance)

(2005/27/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) Under Articles 3(2)(d) and 4(1)(d) of Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC<sup>(1)</sup>, the Member States are to ensure that unleaded petrol and diesel fuel of a fixed maximum sulphur content are available within their territories on an appropriately balanced geographical basis.
- (2) Directive 98/70/EC also provides that the Commission is to develop guidance for recommending what constitutes, for those purposes, availability of 10 mg/kg sulphur unleaded petrol on an appropriately balanced geographical basis.
- (3) It seems appropriate to develop this type of guidance also for diesel fuel with a maximum sulphur content of 10 mg/kg.

- (4) The Commission has assessed several options. As a result of that work, and after consultation with Member States, experts from the industrial and commercial sectors concerned, and other non-governmental organisations, the Commission has developed such guidance,

HEREBY RECOMMENDS:

For the purposes of Articles 3(2)(d) and 4(1)(d) of Directive 98/70/EC, and specifically as regards availability of sulphur-free fuels on an appropriately balanced geographical basis, Member States should apply the principles set out in the Annex.

Done at Brussels, 12 January 2005.

*For the Commission*  
Stavros DIMAS  
*Member of the Commission*

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<sup>(1)</sup> OJ L 350, 28.12.1998, p. 58. Directive as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

## ANNEX

**Guidance on what constitutes availability on an appropriately balanced geographical basis for the purposes of Articles 3(2)(d) and 4(1)(d) of Directive 98/70/EC**

## 1. EXPLANATION OF TERMS USED IN THIS GUIDANCE

*Zero sulphur* or *sulphur-free fuels* are unleaded petrol and diesel fuels that contain equal to or less than 10 mg/kg (ppm) of sulphur.

*Refuelling stations* or *fuel dispensing sites* are sites, retail or commercial, where fuel is dispensed into road vehicles for propulsion (as defined in EN 14274:2003).

## 2. INFLUENCING FACTORS

To ensure availability of sulphur-free fuels, Member States need a certain level of flexibility according to different national market and supply infrastructure situations. The following factors should be taken into account:

1. *Low population density*

Large areas of low population density are likely to have fewer, smaller refuelling stations (in terms of volume throughput or number of dispensing pumps), with larger stations focused on more densely populated areas. The greater distances to travel between refuelling points and potentially the inability of existing infrastructure to support more than one sulphur level of fuel should be taken into account.

2. *High population density*

In areas of high population density, refuelling stations are likely to be larger on average (in volume throughput, as well as in the number of dispensing pumps), more numerous and hence more closely located. In this case the infrastructure is more likely to be able to support multiple fuel grades and a more gradual introduction of refuelling station coverage may also be possible.

3. *Small island markets*

Small island markets are likely to experience similar issues to low population density areas, with the added possibility of a smaller (or single) supplier market or a limited number of (or single) major terminals.

## 3. GENERAL GUIDANCE

Member States are already required under Article 8 of Directive 98/70/EC to provide the basic information on national sales volumes of sulphur-free unleaded petrol and diesel.

This guidance presents four evaluation criteria that the Commission has identified as being particularly useful in defining the geographically balanced availability of sulphur-free fuels for the purposes of Articles 3(2)(d) and 4(1)(d) of the Directive. Two detailed primary options, A and B, provide clearer and more precise information on the geographical availability of sulphur-free fuels. As a rule, it can be assumed that Member States could select either option A or B, but would not apply both of them at the same time.

And two less detailed secondary options, C and D, provide information on availability in specific areas.

It should be mentioned that the options proposed may lose their meaningfulness if a high availability, e.g. in the range of 60 to 80% of all stations, is achieved. In such cases, further evaluation of the success of the national policy may not be needed on a detailed regional basis. For option D the percentage number might be somewhat higher, depending on the situation.

In any case, the differences between the situations for introduction of sulphur-free unleaded petrol and sulphur-free diesel would indicate that they should be analysed separately.

Member States may choose the methods they feel most appropriate to implement the availability of sulphur-free fuels nationally. However, it is recommended that Member States consider the options presented here, before making a decision on the most appropriate measures to aid implementation for their national situation. Special cases are considered in section 4.

3.1. *Option A: Proportion of refuelling stations with sulphur-free grade available by region*

3.1.1. **Criterion**

Number and percentage of national unleaded petrol and diesel refuelling stations with sulphur-free fuel grades/types available (at the end of each reporting year), by Eurostat's three-level Nomenclature of Territorial Units for Statistics (NUTS) Level 3 regional breakdown.

The following units are used in this criterion:

- (a) number of refuelling stations;
- (b) percentage of refuelling stations with sulphur-free fuel available.

3.1.2. **Usefulness**

The advantage of this criterion is that it gives a clear indication of the geographical availability of sulphur-free fuels at a level that ensures reasonably even distribution across the national territory. Furthermore, the NUTS regional areas are already defined, and used in other Community statistics and the availability of other NUTS regional data (such as population, land area, etc.) will allow further useful analyses to be carried out.

3.2. *Option B: Average distance between refuelling stations with sulphur-free grade available*

3.2.1. **Criterion**

Average distances between either unleaded petrol or diesel refuelling stations where sulphur-free fuel is available. It includes the calculation of the national average, maximum and minimum distances between refuelling stations providing sulphur-free fuel (separately for unleaded petrol and diesel). It may also be useful to compare this with the national average for all refuelling stations.

3.2.2. **Usefulness**

The advantage of this criterion is that it gives an appreciation of the variation in distances owners of vehicles needing sulphur-free fuels may have to travel in order to refuel their vehicle within the national territory. Comparison with the national average for all refuelling stations puts the criterion in better perspective with national specific conditions.

3.3. *Option C: Availability of sulphur-free fuels at large refuelling stations*

3.3.1. **Criterion**

Number and total percentage of large/major refuelling stations with sulphur-free unleaded petrol or diesel available nationally. Large refuelling stations should be defined by the Member State in terms of the minimum limit in million litres/year fuel throughput, as appropriate to the national situation (e.g. it may be that around 5 % of all refuelling stations are included).

3.3.2. **Usefulness**

Large refuelling stations are located in areas of high demand, so this criterion will provide a useful measure of availability of sulphur-free fuels in such areas. These are likely to be distributed fairly evenly across the national territory, and the criterion should also be relatively easily utilised.

3.4. *Option D: Availability of sulphur-free fuels at highway/motorway refuelling stations*

3.4.1. **Criterion**

Number and total percentage of major road or highway/motorway refuelling stations with sulphur-free unleaded petrol or diesel available nationally. Major roads or highways/motorways should be defined, as appropriate, by the Member State.

3.4.2. **Usefulness**

This criterion is particularly useful with regard to transit and tourism in that it gives a measure of the availability on the major transport arteries. These stations are also likely to be distributed on a relatively even and wide geographical basis across the national territory, though mainly linked to larger population centres.

#### 4. SPECIAL CASES

In some cases, due to the type of measures taken by Member States or due to the special situation they are facing, it need not be necessary for Member States to fully use either the primary or the secondary options to adequately illustrate the level of geographical availability of sulphur-free fuels. Two such cases are envisaged, where reduced evaluation of the success of the national policy may be appropriate:

1. very high availability or conversion of the national market to sulphur-free unleaded petrol or diesel;
2. single terminal/supplier for Member State or restricted island market.

In these cases the following reduced level of analysis is appropriate.

##### 4.1. *Very high availability/market conversion*

In cases where the type of measures taken by Member States ensures a very high availability/market conversion nationwide (e.g. 60 to 80 % of refuelling stations or sales), it could possibly be sufficient to utilise only the basic information on total sales proportions (volumes) of sulphur-free fuels and national level data for unleaded petrol or diesel, as appropriate.

There are a number of ways this high availability/market conversion may have been achieved. These could possibly include:

- (a) industry agreements guaranteeing sulphur-free fuels offered at the majority of refuelling stations;
- (b) use of fiscal incentives resulting in a facilitated market switch to predominantly sulphur-free fuels;
- (c) introduction of mandatory conversion to/availability of sulphur-free fuels at refuelling stations.

##### 4.2. *Single terminal/island markets*

Member States with single supply terminals, or island market conditions might experience a swift increase to wide or even 100 % availability of sulphur-free fuels. This could reduce the usefulness of applying the options A to D in these particular areas, depending on the specific situation.

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