L.N. 222 of 2001

ENVIRONMENT PROTECTION ACT, 2001
(ACT NO. XX OF 2001)

Quality of Petrol and Diesel Fuels Regulations, 2001

BY virtue of the powers conferred by articles 3, 9 and 28 of the Environment Protection Act, 2001, the Minister for the Environment has made the following regulations:-

Citation and entry into force.

1. The title of these regulations is the Quality of Petrol and Diesel Fuels Regulations, 2001.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of these regulations.

(3) A notice under sub-regulation (2) of this regulation may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Definitions.

2. For the purpose of these regulations and unless the context otherwise requires:-

"competent authority" means the Department for Environment Protection under the guidance of the Director for Environment Protection and such other body or person as the Minister responsible for the environment may by order in the Gazette prescribe and different bodies or persons may be designated as a competent authority for different provisions and different purposes of these regulations;

"diesel fuels" means gas oils falling within CN codes 2710 00 66 and used for self-propelling vehicles.

"petrol" means any volatile mineral oil intended for the operation of internal combustion positive-ignition engines for the propulsion of vehicles and falling within CN codes 2710 00 27, 2710 00 29, 2710 00 32, 2710 00 34 and 2710 00 36.

Petrol Quality.

3. (1) No person may sell, offer for sale or otherwise market leaded petrol.

(2) (a) No person may sell or offer for sale or in any way market unleaded petrol unless it complies with the environmental specifications set out in Annex I.

(b) Without prejudice to the provisions of paragraph (a) of this sub-regulation, any person who sells or offers for sale or markets unleaded petrol shall comply with the specifications of Annex III.

(c) No person may sell, offer for sale or market unleaded petrol unless it complies with the environmental specifications set out in Annex III.

(3) The lead content of leaded petrol shall not exceed 0,15 g/l and the benzene content shall comply with the specifications in Annex I.

Diesel fuel.

4. (1) (a) No person may sell, offer for sale or otherwise market diesel fuel unless it complies with the specifications set out in Annex II.

(b) Any person who sells, offers for sale or otherwise markets diesel fuel complying with the specifications of Annex IV shall require a licence from the competent authority.

Free circulation.

5. The competent authority may not prohibit, restrict or prevent the placing on the market of fuels which comply with the requirements of these regulations.

Marketing of fuels with more stringent environmental specifications.

6. Provided that the competent authority may if it considers that exceptional circumstances so require, grant permission for a person to derogate from regulations 3 and 4. The competent authority may require that in specific areas fuels may only be sold, offered for sale or otherwise marketed if they comply with more stringent environmental specifications than those provided for in these regulations for all or part of the vehicle fleet with a view to protecting the health of the population in a specific agglomeration or the environment in a specific ecologically sensitive area, if atmospheric pollution constitutes or may reasonably be expected to constitute a serious and recurrent problem for human health or the environment.

Monitoring compliance and reporting.

7. The competent authority shall monitor compliance with the requirements of regulations 3 and 4 on the basis of the analytical methods set out in Annexes I and II.

8. Any person shall be guilty of an offence under these regulations if: Offences under these regulations.

(a) he fails to comply with any provision of these regulations or with any order lawfully given in terms of any provision of these regulations; or

(b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(c) he acts in contravention of any of the provisions of these regulations; or

(d) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provisions of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

9. Any person who commits an offence against these regulations shall, on conviction, be liable: Penalties.

(a) on a first conviction to a fine (*multa*) of not less than five hundred liri but not exceeding one thousand liri;

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than one thousand liri but not exceeding two thousand liri, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree.

Provided further that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the public entities and/or other persons acting on their behalf involved in the implementation of these regulations and restitution of the environment as a result of the said offence, the revocation of the permit issued by the Police and the confiscation of the *corpus delicti*.

10. (1) The provisions of article 23 and subarticle (1) of article 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings, Applicability of the Criminal Code. Cap. 9.

in respect of offences against these regulations, so however that the disqualification from holding or obtain a licence, permit or authority shall in no case be for less than one year.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

Language of Annexes.

11. Annexes I to IV to these regulations are being published in the English language with the English text of these regulations.

ANNEX I

ENVIRONMENTAL SPECIFICATIONS FOR MARKET FUELS TO BE USED FOR VEHICLES EQUIPPED WITH POSITIVE-IGNITION ENGINES

Type. Petrol

Parameter	Unit	Limits		Test	
		Minimum	Maximum	Method	Date of publication
Research octane number		95	-	EN 25164	1993
Motor octane number		85	-	EN 25163	1993
Reid vapour pressure, Summer period	kpa	-	60,0	EN 12	1993
Distillation:				EN-ISO	1988
evaporated at 100 °C	% v/v	46,0	-	3405	
evaporated at 150 °C	% v/v	75,0	-		
Hydrocarbon analysis:					
olefins	% v/v	-	18,0	ASTM D1319	1995
aromatics		-	42,0	ASTM D1319	1995
benzene		-	1,0	Pr. EN 12177	1995
Oxygen content	% m/m	-	2,7	EN 1601	1996
Oxygenates:					
Methanol, stabilising agents must be added	% v/v	-	3	EN 1601	1996
Ethanol, stabilising agents may be necessary	% v/v	-	5	EN 1601	1996
Iso-propyl alcohol	% v/v	-	10	EN 1601	1996
Tert-butyl alcohol	% v/v	-	7	EN 1601	1996
Iso-butyl alcohol	% v/v	-	10	EN 1601	1996
Ethers containing 5 or more carbon atoms of molecule	% v/v	-	15	EN 1601	1996
Other oxygenates	% v/v	-	10	EN 1601	1996
Sulphur content	mg/kg	-	150	Pr. EN-ISO/ DIS 14596	1996
Lead content	g/l	-	0,005	EN 237	1996

ANNEX II

ENVIRONMENTAL SPECIFICATIONS FOR MARKET FUELS TO BE USED FOR VEHICLES EQUIPPED WITH POSITIVE-IGNITION ENGINES

Type: Diesel fuel

Parameter	Unit	Limits		Test	
		Minimum	Maximum	Method	Date of publication
Cetane number		51,0	-	EN-ISO 5165	1992
Density at 15 °C	kg/m³	-	845	EN-ISO 3675	1995
Distillation: 95% point	°C	-	360	EN-ISO 3405	1988
Polycyclic aromatic hydrocarbons	% m/m	-	11	IP 391	1995
Sulphur content	mg/kg	-	350	Pr. EN-ISO/ DIS 14596	1996

ANNEX III

ENVIRONMENTAL SPECIFICATIONS FOR MARKET FUELS TO BE USED FOR VEHICLES EQUIPPED WITH POSITIVE-IGNITION ENGINES

Type: Petrol

Parameter	Unit	Limits		Test	
		Minimum	Maximum	Method	Date of publication
Research octane number		95	-	EN 25164	1993
Motor octane number		85	-	EN 25163	1993
Reid vapour pressure, Summer period	kpa	-	-		
Distillation:					
evaporated at 100 °C	% v/v	-	-		
evaporated at 150 °C		-	-		
Hydrocarbon analysis:					
olefins	% v/v	-	-		
aromatics	% v/v	-	35,0	ASTM D1319	1995
benzene	% v/v	-	-		
Oxygen content	% m/m	-	-		
Sulphur content	mg/kg	-	50	Pr. EN-ISO/ DIS 14596	1996
Lead content	g/l	-			

ANNEX IV

ENVIRONMENT SPECIFICATIONS FOR MARKET FUELS TO BE USED FOR VEHICLES EQUIPPED WITH COMPRESSION IGNITION ENGINES

Type: Diesel fuel

Parameter	Unit	Limits		Test	
		Minimum	Maximum	Method	Date of Publication
Cetane number			-		
Density at 15	kg/m		-		
Distillation: 95% point	C	-			
Polycyclic aromatic hydrocarbons	%m/m	-			
Sulphur content	mg/kg	-	50	pr. EN-ISO/ DIS 14596	