L.N. 66 of 2011

MALTA RESOURCES AUTHORITY ACT
(CAP. 423)

AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)

MERCHANT SHIPPING ACT
(CAP. 234)

Quality of Fuels (Amendment) Regulations, 2011

IN exercise of the powers conferred by sub-article (1) of article 28 of the Malta Resources Authority Act, by sub-article (3) of article 43 of the Authority for Transport in Malta Act and by sub-article (1) of article 374 of the Merchant Shipping Act, the Minister for Resources and Rural Affairs and the Minister for Infrastructure, Transport and Communications, after consultation with the Malta Resources Authority and the Authority for Transport in Malta, have made the following regulations:-

Title.

1. (1) The title of these regulations is the Quality of Fuels (Amendment) Regulations, 2011 and they shall be read and construed as one with the Quality of Fuels Regulations, 2008, hereinafter referred to as "the principal regulations".

L.N. 44 of 2008.

(2) These regulations have been notified in terms of Directive 98/34/EC, as amended by Directive 98/48/EC, as transposed by the Notification Procedure Regulations, 2003.

L.N. 373 of 2003.

Amends regulation 2 of the principal regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:-

(a) immediately after the definition "emission abatement technology" there shall be added the following new definition:

" "end user" means the person to whom fuel is sold or marketed by retail;";

(b) in the definition "EN 228" for the words "EN 228" there shall be substituted the words "EN 228:2004";

(c) in the definition "EN 590" for the words "EN 590" there shall be substituted the words "EN 590:2004";

(d) immediately after the definition "gas oils" there shall be added the following new definition:

" "gas oils intended for use by non-road mobile machinery, agricultural and forestry tractors, and recreational craft" means any petroleum-derived liquid, falling under CN codes 2710 19 41 and 2710 19 45 intended for use in compression ignition engines referred to in Directives 94/25/EC, 97/68/EC and 2000/25/EC;"; and

(e) immediately after the definition "SOx Emission Control Areas" there shall be added the following new definition:

" "supplier" means the entity responsible for passing fuel or energy through an excise duty point or, if no excise is due, any other relevant designated entity;".

3. Regulation 4 of the principal regulations shall be amended as follows:

Amends regulation 4 of the principal regulations.

(a) in sub-regulation (1) thereof, for the words "0.5%" there shall be substituted the words "0.03 %"; and

(b) for sub-regulation (3) thereof, there shall be substituted the following new sub-regulation:

"(3) Notwithstanding the provisions of sub-regulation (2) hereof, suppliers shall ensure that petrol is placed on the market with a maximum oxygen content of 2.7 % and a maximum ethanol content of 5 %. They shall also ensure the provision of appropriate information to consumers concerning the biofuel content of petrol and, in particular, the appropriate use of different blends of petrol.".

4. Regulation 5 of the principal regulations shall be amended as follows:-

Amends regulation 5 of the principal regulations.

(a) for sub-regulation (2) thereof, there shall be substituted the following new sub-regulation:

"(2) Notwithstanding the requirements of the Second Schedule to these regulations, the Authority may permit the placing on the market of diesel with a fatty acid methyl ester (FAME) content greater than 7 %. Any person placing on the market diesel fuel shall ensure the provision of appropriate information to consumers concerning the biofuel content in particular FAME."; and

(b) for sub-regulation (3) thereof, there shall be substituted the following new sub-regulation:

"(3) Gas oils intended for use by non-road mobile machinery, agricultural and forestry tractors and recreational craft shall be placed on the market only if the sulphur content of those gas oils does not exceed 10 mg/kg:

Provided that liquid fuels other than those gas oils may be used in recreational craft only if the sulphur content of those liquid fuels does not exceed the maximum allowable content of those gas oils:

Provided further that in order to accommodate minor contamination in the supply chain, the Authority may permit gas oil intended for use by non-road mobile machinery, agricultural and forestry tractors and recreational craft to contain up to 20 mg/kg of sulphur at the point of final distribution to end users:

Provided also that gas oil containing up to 1,000 mg/kg sulphur for agricultural and forestry tractors may be continued to be placed on the market until the 31st December 2011, provided that the supplier is able to ensure that the proper functioning of emissions control systems will not be compromised.".

Amends regulation 6 of the principal regulations.

5. In sub-regulation (1) of regulation 6 of the principal regulations, the words "MSA", wherever they occur, shall be deleted.

Adds regulation 6A to the principal regulations.

6. Immediately after regulation 6 of the principal regulations there shall be added the following new regulation:

"MMT Additive prohibited.

6A. (1) The use, sale, offering for sale, or otherwise marketing of any fuel with a presence of the metallic additive methylcyclopentadienyl manganese tricarbonyl (MMT) in fuel of more than 6 mg of manganese per litre shall be prohibited.

(2) A label concerning the metallic additive content of fuel shall be displayed at any point where a fuel with metallic additives is made available to consumers. The label shall contain the text: "Contains metallic additives". The label shall be attached to the place where information indicating the type of fuel is displayed, in a clearly visible position. The label shall be of a size and font that is clearly visible and easily legible.

(3) Any person who fails to comply with any of the provisions of this regulation shall be guilty of an offence and shall be liable, on conviction, to a fine (multa) of not of not less than ten thousand euro (€10,000) but not exceeding sixty-nine thousand eight hundred euro (€69,800) or to imprisonment for a term not exceeding eighteen months, or to both such fine and imprisonment.".

Substitutes the First Schedule to the principal regulations.

7. For the First Schedule to the principal regulations there shall be substituted the following:

"FIRST SCHEDULE

(Regulation 4 (2))

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

Parameter[1]	**Unit**	**Limits**[2]	
		Minimum	**Maximum**
Research octane number		**95**[3]	**---**
Motor octane number		**85**	**---**
Vapour pressure, summer period[4]	**kPa**	**---**	**60.0 (**[5]**)**
Distillation			
– percentage evaporated at 100°C	**%v/v**	**46.0**	**---**
– percentage evaporated at 150°C	**%v/v**	**75.0**	**---**
Hydrocarbon analysis			
– olefins	**%v/v**	**---**	**18.0**
– aromatics	**%v/v**	**---**	**35.0**

[1] Test methods shall be those specified in EN 228:2004. The Malta Resources Authority may adopt the analytical method specified in replacement of EN 228:2004 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

[2] The values quoted in the specification are "true values". In the establishment of their limit values, the terms of ISO 4259 "Petroleum products – Determination and application of precision data in relation to methods of test" have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259 (published in 1995).

[3] The Malta Resources Authority may decide to continue to permit the marketing of unleaded regular grade petrol with a minimum motor octane number (MON) of 81 and a minimum research octane number (RON) of 91.

[4] The summer period shall be taken to start on 1 May and end on 30 September.

– benzene	**%v/v**	**---**	**1.0**
Oxygen content	**%m/m**		**3.7**
Existent gum content (solvent washed)			
Oxygenates			
– Methanol (stabilising agents must be added)	**%v/v**		**3.0**
– Ethanol (stabilising agents must be added)	**%v/v**		**10.0**
– Iso-propyl alcohol	**%v/v**	**---**	**12.0**
– Tert-butyl alcohol	**%v/v**	**---**	**15.0**
– Iso-butyl alcohol	**%v/v**	**---**	**15.0**
– Ethers containing five or more carbon atoms per Molecule	**%v/v**	**---**	**22.0**
– Other oxygenates[5]	**%v/v**	**---**	**15.0**
Sulphur content	**Mg/kg**	**---**	**10.0**
Lead content	**g/l**	**---**	**0.005**

[5] Other mono-alcohols and ethers with a final boiling point no higher than that stated in EN 228:2004.”.

Substitutes the Second Schedule to the principal regulations.

8. For the Second Schedule to the principal regulations there shall be substituted the following:

"SECOND SCHEDULE

(Regulation 5 (1))

ENVIRONMENTAL SPECIFICATIONS FOR MARKET FUELS WHICH SHALL BE USED FOR VEHICLES EQUIPPED WITH COMPRESSION-IGNITION ENGINES

Parameter[6]	**Unit**	**Limits**[7]	
		Minimum	**Maximum**
Cetane number		**51.0**	**---**
Density at 15°C	**kg/m(3)**	**---**	**845.0**
Distillation **– 95% (v/v) recovered at**	**°C**	**---**	**360.0**
Polycyclic aromatic hydrocarbons	**%m/m**	**---**	**8.0**
Sulphur content	**mg/kg**	**---**	**10.0**
Fatty Acid Methyl ester (FAME) content[8]	**%v/v**	**---**	**7.0 (3)**

[6] Test methods shall be those specified in EN 590:2004. The Malta Resources Authority may adopt the analytical method specified in replacement of EN 590:2004 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.

[7] The values quoted in the specification are "true values". In the establishment of their limit values, the terms of ISO 4259 "Petroleum products – Determination and application of precision data in relation to methods of test" have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in ISO 4259 (published in 1995).

[8] FAME shall meet the requirements of EN 14214.".