

**Consultation on a proposed
amendment to the Motor Fuel
Composition and Content
Regulations 1999**

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Foreword

Your comments are invited on the proposed amendment to the Motor Fuel (Composition and Content) Regulations 1999, (“The 1999 Regulations”) (as amended)¹ and on the accompanying consultation stage Impact Assessment (“IA”) (Annex A). The proposed amendment is aimed at extending the existing requirement for a protected grade of super unleaded petrol with an ethanol blend of no more than 5% to be available on the market. This current requirement expires at the end of 2013. The proposal is to extend this for a further three years to the 1st January 2017.

¹ The Motor Fuel (Composition and Content) Regulations 1999, [as amended by SI 3078 /2003, SI 3035 / 2010 and SI 2567 / 2012)

1. Executive summary

1.1. Proposed measure on petrol protection grade

The 1999 Regulations (as amended) require that the ethanol content of super unleaded petrol sold at a filling station before 1st January 2014 must be no more than 5% by volume, if in the calendar year prior to which it is sold, the total amount of petrol and diesel fuel sold at that filling station was not less than 3 million litres.

The Government is proposing to make changes to the legislation that extend the current requirement until 1st January 2017.

1.2. Geographical coverage

This consultation, like the 1999 Regulations, applies to the whole of the United Kingdom.

1.3. Who should read this consultation?

This consultation will be of particular interest if you are:

- manufacturers and users of motor vehicles or
- producers and users of fuel for motor vehicles or
- familiar with the problems of air pollution.

This consultation may be of interest to other parties and all are welcome to comment on our proposals.

1.4. How to respond

The consultation period began on 29 August 2013 and will run until 27 September 2013. Please ensure that your response reaches us by 27 September 2013. The Department considers that this 4 week period is sufficient because the consultation is targeted and because the amendment involves continuation of existing policy.

If you would like further copies of this consultation document it can be found at:

https://www.gov.uk/government/publications?keywords=&publication_filter_option=open-consultations&topics%5B%5D=all&departments%5B%5D=department-for-transport&world_locations%5B%5D=all&direction=before&date=2013-09-01&commit=Refresh+results

Alternatively, you can contact Michael Wright if you need alternative formats (Braille, audio CD, etc.).

Please send consultation responses to

Name: Michael Wright
Address: Department for Transport, Zone 1/32, Great Minster House, 33 Horseferry Road, London, SW1P 4DR
Phone number: 020 7944 4378
Email address: biofuels.transport@dft.gsi.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who the organisation represents, and where applicable, how the views of members were assembled.

A list of those consulted is attached at Annex C. If you have any suggestions of others who may wish to be involved in this process please contact us.

1.5. Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR)).

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this Code of Practice, it would be helpful if you could explain to us why you regard the information you have provided as

confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

2. Detailed proposal

2.1. Extension of petrol protection grade requirement

Most petrol stations in the UK offer two petrol grades: standard unleaded (known as premium), which represents 95% of sales and super unleaded². Both premium and super petrol grades currently marketed in the UK contain up to 5% ethanol (known as E5).

Regulation 3 of the Motor Fuel (Composition and Content) Regulations 1999 (SI 1999/3107) requires the ethanol content of super unleaded petrol sold at a filling station to be no more than 5% by volume. This requirement only applies to filling stations that have supplied not less than 3 million litres of fuel (petrol and diesel) in the previous year and is only applicable until the end of 2013.

This requirement was introduced in January 2010 by the Motor Fuel (Composition and Content) Amendment Regulations 2010 (SI 3035 / 2010) which implemented in part Directive 2009/30/EC. Article 1(3) of the Directive 2009/30/EC states:

“Member States shall require suppliers to ensure the placing on the market of petrol with a maximum oxygen content of 2,7 % and a maximum ethanol content of 5 % until 2013 and may require the placing on the market of such petrol for a longer period if they consider it necessary.”

This Directive amended Directive 98/70/EC (The Fuel Quality Directive). The consultation documents related to the 2010 amendments to the 1999 Regulations can be found at the following web address:

<http://webarchive.nationalarchives.gov.uk/20101007100357/http://dft.gov.uk/consultations/closed/2010-26/>

As explained in the 2010 consultation, the 2013 expiry date would be subject to review and potential extension. Projections at the time suggested that the ethanol content of petrol would not exceed 5% until 2015 at the earliest.

² Standard unleaded has 95 RON while super unleaded has at least 97 RON. RON (Research Octane Number) is a measure of fuel performance, with some manufacturers recommending the use of high-RON fuel for particular models.

However, in March 2013 a revised standard for petrol (EN 228) was approved by the British Standard Institute which increased the ethanol blend limit from 5% to 10%. This means that UK fuel suppliers can now start to supply blends with up to 10% ethanol (known as E10) should they choose so. E10 has already been introduced in some Member States, including France, Finland and Germany (E10 sales represent around 25-50% of total petrol supply).

The vast majority of UK petrol fleet is compatible with E10. Recent estimates by the Society of Vehicle Manufacturers and Traders (SMMT) based on 2012 data show 88% of petrol cars to be E10 compatible. The remaining 12%, 2.5 million cars, were classified non-compatible (of which 1.6 million are known to be non-compatible and 900,000 of unknown compatibility).

Following Informal discussions with fuel suppliers we understand that for the time being there are no plans to introduce E10 on a large scale in the immediate future. Therefore unleaded E5 is expected to remain widely available.

However, the roll out of E10 is a commercial decision and it may be possible that in certain areas E10 will replace the premium E5 grade. The proposed measure of extending the current legal requirement for a protection grade beyond 2013 would mitigate the risk of limited availability of an E5 grade in the eventuality E10 is introduced while there are still a significant number of non-compatible vehicles in circulation.

The proposed amendment aims at extending the current requirement for further 3 years, expiring in January 2017. DfT estimates show that by 2016 the number of non-compatible vehicles used as main mean of transport will decline to 780,000. In considering the suitable period of time for the extension we have taken into account of the free circulation provision contained in the Fuel Quality Directive (2009/30/EC).³

³ Article 5 of the Fuel Quality Directive states: No Member State may prohibit, restrict or prevent the placing on the market of fuels which comply with the requirements of this Directive.

We propose to extend the existing requirement that the ethanol content of super unleaded petrol sold at a filling station to be no more than 5% by volume until 1st January 2017. This requirement only applies to filling stations that have supplied not less than 3 million litres of fuel (petrol and diesel) in the previous year.

Question 1:	Do you agree with our proposal to amend the Motor Fuel (Composition and Content) Regulations 1999 to extend the requirement for a protected grade of super unleaded petrol with an ethanol content of no more than 5% to be available on the market until 1 st January 2017?
Question 2:	Do you have any comments on this proposal or the costs and benefits set out in the attached Impact Assessment (Annex A)?

2.2. Impact assessment

This consultation is for a measure which would make a minor amendment to an existing requirement which is part of the Motor Fuel (Composition and Content) Regulations 1999 (as amended).

We have assessed costs and benefits of the proposed amendment, the detailed analysis is contained in the attached impact assessment (Annex A).

The central estimate (most likely scenario) is that there are no costs or benefits because the regulation will not bind as E5 is expected to remain widely available even in absence of a legal requirement. If the regulation does bind, in the event of a large scale introduction of E10 in the immediate future, the benefits would outweigh the costs.

This consultation does seek to gather views on the likely costs and benefits of the amendment to inform the Department's assessment.

3. Consultation questions

Question 1: Do you agree with our proposal to amend the Motor Fuel (Composition and Content) Regulations 1999 to extend the requirement for a protected grade of super unleaded petrol with an ethanol content of no more than 5% to be available on the market until 1st January 2017?

Question 2: Do you have any comments on this proposal or the costs and benefits set out in the attached Impact Assessment (Annex A)?

4. What will happen next?

The Department for Transport will analyse the responses received. If, following consideration of these responses, the Department proceeds with making the amendment regulations it is proposed that the Motor Fuel (Composition and Content) (Amendment) Regulations 2013 will be laid before Parliament before the end of 2013. This will be accompanied by an Explanatory Memorandum.

The draft order will be subject to the negative resolution procedure, which means that it is laid before Parliament for 21 days before coming into force. We anticipate the regulations will come into force in December 2013 .

We will aim to publish a summary of responses within three months of the consultation closing on the Department's website. Paper copies will be available on request.

5. Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available on the Better Regulation Executive website at: <https://www.gov.uk/government/publications/consultation-principles-guidance>

Consultation principles

- departments will follow a range of timescales rather than defaulting to a 12week period, particularly where extensive engagement has occurred before;

- departments will need to give more thought to how they engage with and consult with those who are affected;
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments about the consultation process please contact:

Consultation Co-ordinator
Department for Transport Zone 1/14 Great Minster House London
SW1P 4DR
consultation@dft.gsi.gov.uk

Annex A: Draft Impact Assessment

Attached separately to this consultation document.

Annex B: Consultation Response Form

Consultation Response Form

PART 1 - Information about you

Name	
Address	
Postcode	
email	
Company Name or Organisation (if applicable)	
Please tick one box from the list below that best describes you /your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:	

If you would like your response or personal details to be treated **confidentially** please explain why:

PART 2 - Your Comments

1. Do you agree with our proposal to amend the Motor Fuel (Composition and Content) Regulations 1999 (as amended) to extend the petrol protection grade requirement until January 2017?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Please explain your reasons and mention any additional topics on which you would wish to see further guidance :

2. Do you have any comments on our proposal, or the costs and benefits set out in the impact assessment (Annex A)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>Please explain your reasons and mention any additional topics on which you would wish to see further guidance :</p>		

Annex C: List of those consulted

In addition to publication on the DfT website, the following have been alerted to the publication of this consultation document and asked for their comments:

710 UK Ltd
A & V Squires Plant Co Ltd
ActionAid
Agri Energy
Air Quality Consultants
Amplefuel
Apple Fuels Ltd
Argent Energy (UK) Ltd
Asda Stores Ltd
Associated British Biofuels Ltd
Association for Petroleum & Explosives Admin
Association of Industrial Road Safety Officers
Auraria Currency & Commodities Invest AG
Autocycle Union
Automobile Association
B V R L A
Bauer Millett (Services) Ltd
Bayford and Co
BENP Lillebonne
Bentley Motors Ltd
Bikersweb.co.uk Cyberzine
Bio Grade Ltd
Bio UK Fuels (Sheffield) Ltd
Biofuel Refineries Ltd

Biofuelwatch
Biomotive Fuels Ltd
BMW(UK) Ltd
BP Oil UK Ltd
Bristol Cars Ltd
British Agricultural and Garden Machinery Association (BAGMA)
British Chamber of Commerce
British Industrial Truck Association
British Motorcyclists Federation
British Standards Institute
British Sugar plc
British Vehicle Rental and Leasing Association
BTC Testing Advisory Group
Business Bio Fuels Ltd
BWOC Ltd
Campaign for Better Transport
Carbon Trust
Carmen Data Ltd (
Caterpillar (UK) Ltd
Chartered Institute of Environmental Health
Chevrolet UK Ltd
Chrysler Group
Citroen UK Ltd
Coach Operators Federation
Colt Car Company Ltd
Community Transport Association UK
Confederation of British Industry
Confederation of Passenger Transport UK

Connect Oil Limited
ConocoPhillips Ltd
Consumer Focus
Convert2Green Ltd
Co-operative Group
Daewoo Cars Ltd
Daimler Chrysler UK Ltd
Devon Biofuels
Disabled Persons Transport Advisory Committee
Doncaster Bio Fuels
Double Green Ltd
Downstream Fuel Association
Driver & Vehicle Testing Agency
Driving Instructors Association
Driving Instructors Association Northern Ireland
DS & P Mobility Electronics
Edible Oil Direct
Energy Savings Trust
Energy Technologies Institute
Ensus UK Ltd
Environmental Industries Commission
Environmental Protection UK
ESL
Essar Oil (UK) Ltd
Esso Petroleum Company Ltd
Evergreen Oil (High Laver) Ltd
Evo Bus (UK) Ltd
Federation of British Historic Vehicle Clubs

Federation of Kit Car Clubs
Federation of Petroleum Suppliers Ltd
Federation of Sidecar Clubs
Federation of Small Businesses
Fiat Auto UK Ltd
Footprint Fuels
Ford Motor Company Ltd
Forestry Contracting Association
Four Rivers Biofuels Ltd
Friends of the Earth
Fuel Systems UK Ltd
Futura Petroleum Ltd
Garage Equipment Association
Gasrec Ltd
General Consumer Council for NI
General Motors
Green Flag
Green Flag Motoring Assistance
Green Fuels Ltd
GreenerDiesel.com (UK) Limited
Greenenergy Fuels Ltd
Greenfuel Oil Co (North West) Ltd
GreenFuel Supply Solutions Ltd
Greenolysis Ltd
Greenpeace
Grinnall Cars
Halfords Ltd
Harvest Energy Ltd

Hawk Cars
Health & Safety Executive for NI
Health and Safety Executive
HM Customs & Excise, Logistics Services – Vehicles
Honda (UK)
Hyundai Car UK Ltd
Iggesund Forestry (UK)
IM Group Limited
Ineos Europe Ltd
Institute of Air Quality Management
Institution of Civil Engineers
International Exchange Services
Jaguar Cars Ltd
Johnson Matthey
Kassero Edible Oils Ltd
Kawasaki Motors UK
Lissan Coal Company Ltd
Local Government Association
Lotus Engineering
Low Carbon Vehicle Partnership
LP Gas Association
Mabanaft UK Ltd
Marcos Engineering Ltd
Martin Richards Engineers
Maxol Oil
McLaren Cars Ltd.
MFS Fuel Supplies Ltd
Midge Owners & Builders Club

Mobene
Morgan Stanley Capital Group Inc.
Morrisons Supermarkets PLC
Motor Caravanners Club
Motor Cycling Union of Ireland
Motor Industry Research Association
Motorcycle Action Group
Motorcycle Industry Association
MPB Bioproducts Ltd
Muirhouse Farm Partnership
Murco Petroleum Ltd
National Caravan Council Ltd
National Farmers Union
National Farmers Union of Scotland
National Taxi Association
National Vintage Tractor & Engine Club
Neal Environmental Ltd
Newry & Mourne Driving Instructors Association
NFPAS
NI Chamber of Trade
Nicholls Oils Ltd
Nissan Motors (GB) Ltd
North West ADI Association
Northern Ireland ADI Association
Northern Ireland Council on Disability
Oxfam
Pace Petroleum Ltd
PACTS

Park Lane UK Ltd
Passenger Transport Executive Group
Petroplus Refining Teesside Ltd
Phoenix Fuels Ltd
Pilkington Oils Ltd
Porsche Cars (GB) Ltd
Prax Petroleum Ltd
Proper Energy Ltd
PRS Environmental
Pure Fuels Ltd
RAC Motoring Services
Recreational Vehicle Dealer Association
Regenattec Ltd
Renault UK Limited
Renewable Certificates Ltd
Renewable Energy Association
Retail Motor Industry Federation
Rhino Trikes
Rix Biodiesel
RMI Independent Petrol Retailers Association
RMI Petrol Retailer's Association
Road Haulage Association
Road Rescue Recovery Association
Royal Mail Group Ltd
Royal Scottish Automobile Club
Rural Development Trust
Saab (GB) Ltd
Sainsbury's Supermarkets Ltd

Scottish Kit Car Club
Scottish Motor Trade Association Ltd
Shell UK Ltd
Shepherds Bakery
SIA European Commodities Trading Company
Society of Motor Manufacturers and Traders
Society of Operations Engineers
STX Services B.V.
Suzuki GB Ltd
Tesco Stores Ltd
The Caravan Club
The Energy Institute
The Norman Motorcycle Co. Ltd
Topaz Energy Ltd
Total Additifs et Carburants Speciaux
Total UK Ltd
Toyota Motors Europe
Trading Standards Institute
Transport & Health Study Group
Transport and Environment
Transport for London
TRL Limited
UK Forest Products Association
UK Petroleum Industry Association
UK Renewable Fuels Ltd
Ultima Sports Ltd
Uptown Biodiesel Ltd
Valero Energy Ltd

Vauxhall Engineering Centre Ltd.
Veg Oil Motoring
Vehicle Builders & Repairers Association
Verdant Fuel Ltd
Vintage Motor Cycle Club Ltd
Vireol
Volkswagen Group UK Ltd
Volvo UK Ltd
Which?
Wight Made Diesel Ltd
William John Brown (t/a Greenerth Biodiesel)
World Fuel Services (Europe) Ltd
Worldwide Wildlife Fund
Yateley Industries for the Disabled Limited
Yorkshire MAG
Yorkshire Petroleum Company Ltd