

Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

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- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
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Historical legislation: Lead in petrol

Formal references 85/210/EEC	Directive on the approximation of the laws of the Member States concerning the lead content of petrol
Proposed 6.6.84 – COM(84)226	
Legal base	Article 115 TFEU (originally Article 100 EEC Treaty)
87/416/EEC (OJ L225 13.8.87)	Amendment
Proposed 5.3.87 – COM(87)33	
Legal base	Article 114 TFEU (originally Article 100 EEC Treaty)
Binding dates (85/210)	
Formal compliance	1 January 1986
Limits to be met (on lead and benzene)	1 October 1989

On 1 January 2000 Directive [98/70/EC](#) (see section on quality of petrol and diesel) repealed Directive 85/210/EEC on the approximation of the laws of the Member States concerning the lead content of petrol and amending Directive [87/441/EEC](#), which in turn replaced Directive [78/611/EEC](#) on 31 December 1985.

Purpose of the Directives

Directive 78/611/EEC originally set limits on the lead content of petrol both to prevent barriers to trade in petrol and motor cars resulting from different limits in different countries and also to reduce air pollution by lead. Directive 85/210/EEC took these aims a stage further by requiring the availability of unleaded petrol and promoting its widest possible use. Directive [98/70/EC](#) (see section on quality of petrol and diesel) repealed Directive 85/210/EEC and finally prohibited the sale of leaded petrol from 1 January 2000.

Summary of the Directives

The original Directive 78/611/EEC adopted in July 1978 set a maximum permitted lead content of petrol sold within the Community at 0.40 g/l. Member States could set an upper limit between 0.40 and 0.15 g/l but could not insist on less than 0.15 g/l. Directive 85/210/EEC provided for the continuation of availability and balanced distribution of leaded petrol (which was defined as containing between 0.4 and 0.15 g/l) within the territories of Member States but required them as soon as they considered it appropriate to reduce the maximum limit to 0.15 g/l. Member States were also to ensure the availability and balanced distribution of premium grade unleaded petrol within their territories (from 1 October 1989) but could take measures to introduce unleaded petrol

before that date. From 1 October 1989 the benzene content of leaded and unleaded petrol was not to exceed 5.0 per cent by volume. There were provisions for waivers from limits both for leaded and unleaded petrol for a period of four months by Member States in the event of a sudden change in supply of oil or petroleum products; and the period could be extended by the Council. Premium grade unleaded petrol was required to meet a minimum motor octane number (MON) of 85 and research octane number (RON) of 95. Technical Annexes provided for determining the lead and benzene contents of petrol and octane numbers. Amendments arising from scientific and technical progress could be made through the usual Technical and Scientific Committee set up by the Directive.

Member States were invited to promote the widest possible use of unleaded petrol in all existing vehicles. They were also to provide the Commission at its request with information on supplies of petrol on the market and on the results and effects of the Directive on air pollution and energy policy in particular.

Directive 87/416/EEC permitted Member States to prohibit the marketing of regular leaded petrol (2-star, with a MON lower than 85, and RON lower than 95). Since many vehicles which were using regular leaded petrol could also run on unleaded, and others could otherwise use premium leaded, the Directive was intended to widen the availability and sale of unleaded petrol. This was to be achieved both by decreasing the availability of leaded petrol, and by making additional pumps available on forecourts for unleaded. Member States had to give six-months' notice of a prohibition to the Commission and the public.

Sales of leaded petrol were effectively prohibited as of 1 January 2000 under the terms of Directive 98/70/EC, which repealed [Directive 85/210/EEC](#) .

Development of the Directives

Directive 78/611/EEC

The development of the earlier Directive 78/611/EEC shows that in favourable circumstances a determined Member State can pull the rest of the Community along behind it so that higher environmental standards are achieved throughout the Community more quickly than if the Member States had proceeded at their own pace. From 1 January 1972 the lead content of petrol sold in the Federal Republic of Germany was restricted to 0.40 g/l and it was the knowledge that Germany was proposing to make this reduction that stimulated the Commission into proposing a Directive requiring a limit of 0.40 g/l by 1 January 1976.

In 1971 the Commission, learning of the German government's plans, established two committees to study the health and technical aspects of lead pollution from motor vehicles, and the work of these committees was summarized in the explanatory memorandum (COM(73)2050) accompanying the proposal for a Directive issued in December 1973. The memorandum included a table showing that permitted lead levels at that time differed considerably in the different Member States, some having limits up to

0.84 g/l and some having no limits at all. The memorandum concluded that although there was no immediate danger for public health, it was desirable to prevent an increase of air pollution by lead and hence to limit lead because of the increase in car use. The other reasons were to prevent technical barriers to trade.

The German government, in addition to reducing lead to 0.40 g/l in 1972, also announced its intention of making a second-stage reduction from 1 January 1976 to 0.15 g/l. A level of 0.15 g/l seems to have been chosen because it was near the lowest level useable in many existing petrol engines without special adaptations. The Commission proposed a rather less severe second stage reduction with a limit of 0.15 g/l from 1 January 1978 for regular grade petrol but leaving the limit for premium grade at 0.40 g/l.

The European Parliament's Environment Committee opposed the second-stage reduction (to 0.15 g/l) on the grounds that it would require substantial investment by the industry, and increase petrol consumption. However, it approved the limit of 0.4 g/l. In a debate on 10 November 1975, the Commissioner, Mr Gundelach, defended the Commission's proposal as being based on current knowledge. He explained that the Commission was not convinced that it was necessary to go as far as the German government was proposing, but pointed out that the delay in obtaining an opinion from the Parliament meant that it would not now be possible to obtain a Council Decision on the proposal before the second-stage reduction took effect in Germany on 1 January 1976. All the subsequent discussion in the Council was therefore coloured by an existing German limit of 0.15 g/l. The Directive finally agreed in 1978 therefore had to allow Member States to introduce a national limit of 0.15 g/l but its main provision was an upper limit of 0.40 g/l.

The provision in the Directive to prevent a limit less than 0.15 g/l was not to be found in the original proposal and was put in at the suggestion of the British government among others, presumably to ensure that no barriers to trade in motor cars would be created by any one Member State insisting on lead-free petrol. As a result, the earlier Directive lost some of its claim to be an environmental protection measure.

Directive 85/210/EEC

A number of threads came together to explain why the Commission's proposal for lead-free petrol was to take so little time (in contrast to so many proposals discussed in this manual) before it was agreed in Council – effectively less than six months. One important factor was a significant change in UK government policy. In May 1981, in the light of the recommendations of the Lawther Report¹, the UK government decided that emissions of lead to the atmosphere should be reduced by lowering the lead content of petrol to the limit then allowed of 0.15 g/l; and to support the figure of 2 µg/m³ of lead in air proposed in the Commission draft Directive on air quality for [lead](#). From then on the United Kingdom took a very much more positive line on limiting emissions from lead. This was given further impetus in April 1983 by a recommendation of the Royal Commission on Environmental Pollution² that the government should initiate negotiations with the Commission and other Member States to secure removal of the lower limit of lead in petrol from Directive 78/611/EEC. The objective of these negotiations would be that

from the earliest practicable date all new petrol-engined vehicles sold in the United Kingdom should be required to run on unleaded petrol.

The UK government then immediately asked the Community to amend Directive 78/611/EEC, a move that was supported by the German government that realized that it needed lead-free petrol if it was to reduce other emissions from vehicles by the use of catalytic converters that are 'poisoned' by lead in petrol.

Pressure also came from the European Parliament. By September 1981, it was considering a motion to take action to achieve lead-free petrol by the progressive reduction of the maximum levels permitted under the earlier Directive. Another motion in February 1982 called on the Commission to propose that all new cars put on to the Community market after 1 January 1985 be manufactured to run on lead-free petrol and that from the same date lead-free petrol should be generally available. But it was not until June 1983 that the European Parliament passed a Resolution calling on the Commission to present proposals to abolish the prohibition on setting a level below 0.15 g/l, reduce the maximum permitted level to 0.15 g/l by 1985, and make lead-free petrol available as soon as possible.

The Commission had also been active. Under pressure from a number of sources concerned at an *ad hoc* approach to vehicle emissions that paid too little attention to the possible economic consequences for the important motor industry in the Community, it brought together in January 1982 a group of experts – to become known as ERGA I (Evolution of Regulations, Global Approach). ERGA I was to assess the various ways of reducing gaseous pollutants emitted by passenger cars taking into account technological, environmental, health, energy and economic considerations.

At the European Council in Stuttgart in June 1983, and the Environment Council in the same month, the Decision in principle was taken to reduce or eliminate the use of lead in petrol. This Decision is unlikely to have been taken had not two large countries (the United Kingdom and the Federal Republic of Germany) both wanted lead-free petrol at the same time but for different reasons. ERGA II was then set up to consider the possible consequences of this Decision from the technical, energy and economic points of view. ERGA I reported in August 1983 and ERGA II in May 1984.

Thus the Commission published on 30 May 1984, in the same document, two proposals for amending Directives on the lead content of petrol and on motor vehicle emissions. The proposal on petrol provided for:

- Further reduction of lead use by making it obligatory to market premium grade unleaded petrol alongside leaded petrol from 1 July 1989.
- A reduction in the maximum lead content of petrol used in existing vehicles to 0.15 g/l.
- The benzene content of petrol to be limited to 5 per cent by volume.

Although the proposal had only been issued less than a month before, the Environment

Council on 28 June was able to take a Decision in principle that unleaded petrol should be available throughout the Community by 1989 as proposed. Points of difficulty were revealed on the case for an earlier date both for unleaded petrol, and the deadline for new vehicles to run on lead-free petrol. A linked issue on the vehicle emissions proposal showed difference of views on the use of catalytic converters and thus the use of lead-free petrol. In September the Commission completed its proposal by publishing an amendment covering the definition of octane levels.

On 10 December the European Parliament recommended an earlier date – 1 July 1986 – for the introduction of lead-free petrol. The Commission took note of this by putting forward amendments in March. However, the Environment Council had already agreed the text of the Directive on 6 December 1984, subject to the opinion of Parliament. Subsequently, the Environment Council on 20 March 1985 adopted the text in the form agreed in December.

There were some important differences with the original proposal: leaded petrol continued to be defined as petrol with a lead content between 0.4 and 0.15 g/l with the reduction to a maximum of 0.15 g/l to be left to Member States to put into effect as soon as they considered it appropriate; the date by which unleaded petrol was to be made generally available was deferred by three months to 1 October 1989 (to conform to the usual date for changes to vehicle requirements); and derogations for a limited period of four months were provided for in the event of unforeseen changes in the supply of oil products.

Agreement on the linked proposal on [vehicle emissions](#) setting a date by which new cars were to be capable of running on unleaded petrol was not, however, achieved due on the one hand to Denmark which wanted more severe controls, and Greece, which looked for aid to combat the serious atmospheric pollution in Athens on the other.

Implementation of the Directive

Information on national transposition of Directive 85/210/EEC can be found in the [national execution measures](#).

Enforcement and court cases

No cases concerning this Directive were concluded by the European Court of Justice.

References

1. Lawther Professor P J (chairman) (1980) *Lead and Health: The Report of a DHSS Working Party on Lead in the Environment*. HMSO, London.
2. Royal Commission on Environmental Pollution (1983) *Lead in the Environment. Ninth Report*. HMSO, London.