

NB: Unofficial translation; legally binding texts are those in Finnish and Swedish

Ministry of the Environment, Finland

Government Decree
on the sulphur content of heavy fuel oil, light fuel oil and marine gas oil

689/2006

Given in Helsinki on 3 August 2006

Section 1

Scope

- (1) This Decree applies to the use of heavy fuel oil and light fuel in Finland and the use of gas oil in vessels flying the Finnish flag.
- (2) This Decree does not apply:
- 1) to a fuel refined for own use in the oil refining industry;
 - 2) to a fuel intended for further processing before final combustion;
 - 3) to a fuel intended for research and testing purposes;
 - 4) to aviation fuel;
 - 5) to diesel fuel and petrol referred to in Government Decree 1271/2000 on the quality requirements of diesel fuel and petrol;
 - 6) to marine fuels, excluding marine gas oils;
 - 7) to a fuel used on a vessel of the Defence Forces or the Border Guard if the procurement of fuel hampers the operational capability of the vessel;
 - 8) to the use of a fuel on a vessel that is necessary for the purpose of securing the safety of a ship or saving life at sea;
 - 9) to a fuel, the use of which is necessary due to damage sustained to the vessel or its equipment, provided that all reasonable measures are taken after the occurrence of the damage to prevent or minimize excess emissions and that measures are taken as soon as possible to repair the damage. This shall not apply if the owner or master of the vessel acted either with intent to cause damage or recklessly; and
 - 10) to a fuel used on vessels using the approved emissions abatement system referred to in section 21 c of the Government Decree on the prevention of pollution from ships (635/1993).

Section 2

Definitions

(1) For the purposes of this Decree:

- 1) *light fuel oil* means gas oils and other petroleum-derived products used primarily for heating, falling under customs tariff heading 2710, as referred to in the Act on Excise Duty on Liquid Fuels (1472/1994), a minimum of 65% by volume of which, including losses, distils at 250 °C and a minimum of 85% by volume of which, including losses, distils at 350 °C when using the standard test method on crude oil and lubricants referred to in the 1976 edition in accordance with the American Society for Testing and Materials (*ASTM D 86 method*), excluding marine fuel;
- 2) *heavy fuel oil* means oils and petroleum products other than those referred to in paragraph 1, obtained from crude oil for the purpose of heating, pertaining to customs tariff heading 2710, as referred to in the Act on Excise Duty on Liquid Fuels, of which less than 65 % by volume, including losses, distils when distilled to 250 °C, according to the ASTM D 86 method, or from which no distillation percentage by volume can be determined at 250 °C with this method, excluding marine fuel;
- 3) *marine gas oil* means a marine fuel with a viscosity or density in accordance with the viscosity or density of the DMX and DMA categories in Table 1 of ISO 8217;
- 4) *a vessel of the Defence Forces or the Border Guard* means a vessel bearing clear national marks, commanded by an officer appropriately appointed by the Defence Forces or the Border Guard, as presented in an appropriate service list or equivalent, and with a crew subject to military discipline;
- 5) *ship at berth* means a ship which is appropriately moored or anchored in a Finnish port while it is loading, unloading or hotelling;
- 6) *inland waterway vessel* means a vessel particularly intended for use on an inland waterway as defined in Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels, including all vessels which carry a Community inland navigation certificate, as defined in Directive 82/714/EEC;
- 7) *placing on the market* means supplying or making available to third parties, against payment or free of charge, fuels to be used anywhere within Finland's jurisdiction, however, excluding supplying or making available marine fuels for export in ships' cargo tanks;
- 8) *combustion plant* means any apparatus in which fuels are oxidised in order to use the heat generated.

Section 3

Sulphur content of heavy fuel oil

- (1) The sulphur content of heavy fuel oil used in Finland shall not exceed 1.00% by mass.
- (2) However, the provision in paragraph 1 above does not apply to heavy fuel oil, which is used:
 - 1) in combustion plants with a rated thermal input of at least 50 megawatts to which the Government Decree on the limitation of sulphur dioxide, nitrogen oxide and particle emissions from combustion plants and gas turbines of at least 50 megawatts (1017/2002) shall be applied;
 - 2) in combustion plants with maximum sulphur dioxide emissions of 1,700 milligrams per normal cubic metre ($mg / m^3 (n)$) with an oxygen content of 3% by volume;
 - 3) in oil refineries if the monthly average of sulphur dioxide emissions of all plants of the refinery, with the exception of combustion plants with a rated thermal input of more than 50 megawatts, for which a permit granted prior to 9 December 2002, does not exceed 1,700 $mg/m^3 (n)$ with an oxygen content of 3% by volume, irrespective of the type of fuel or fuel combination used.

Section 4

Sulphur content of light fuel oil

- (1) The sulphur content of light fuel oil used in Finland shall not exceed 0.10% by mass.

Section 5

Sulphur content of marine gas oils

- (1) The sulphur content of marine gas oil placed on the market in Finland shall not exceed 0.1% by mass.

Section 6

Sulphur content of marine fuels used by inland waterway vessels and ships at berth in Community ports

- (1) The sulphur content of marine fuels used by inland waterway vessels shall not exceed 0.1% by mass.
- (2) The sulphur content of marine fuels used in ships at berth in ports shall not exceed 0.1% by mass, provided that the crew has sufficient time to complete any necessary fuel-changeover operation as soon as possible after arrival at berth and as late as possible before departure. The time of any fuel-changeover operation shall be recorded in the ship's logbook.
- (3) The requirements for sulphur content in paragraphs 1 and 2 above do not apply:
 - 1) to vessels that according to published timetables are due to be at berth for less than two hours;
 - 2) to inland waterway vessels that carry a certificate proving conformity with the International Convention for the Safety of Life at Sea, 1974 (SopS 11/1981), as amended at a later date, while those vessels are at sea;
 - 3) to vessels which switch off all engines and use shoreside electricity while at berth.

Section 7

Ministry of the Environment's jurisdiction in granting derogations

- (1) Based on Section 17 of the Environmental Protection Act (86/2000), the Ministry of the Environment may grant an exception to a provision on the sulphur content of fuels referred to in sections 3–6 above if the exception is necessary due to an exceptional and sudden change in the supply of crude oil or petroleum products and if the refineries cannot meet the requirements due to this change.
- (2) An exception may be granted for a period not exceeding six months if the Commission of the European Communities has allowed the exception based on the Council Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 1993/12/EEC.

Section 8

Methods of determination

- (1) When determining the maximum sulphur contents of the fuels referred to in this Decree, a method in accordance with ISO 8754 (1992 or later) and PrEN ISO 14596 shall be used for heavy fuel oil and marine gas oil, and a method in accordance with standards PrEN ISO 24260 (1987), ISO 8754 (1992 or later) and PrEN ISO 14596 shall be used for light fuel oil. If the results in accordance with these methods differ, a method in accordance with standard PrEN ISO 14596 shall be used.
- (2) Statistical interpretation of the determination of the sulphur content of light fuel oil shall be carried out in accordance with standard ISO 4259 (1992).

Section 9

Supervision

- (1) The manufacturers and importers of heavy fuel oil and light fuel oil shall annually report the amounts and sulphur contents of fuels referred to in this Decree, which are placed on the Finnish market during the previous calendar year.
- (2) An operator carrying out operations subject to the environmental permit shall report the sulphur content and the yearly used amount of heavy fuel oil to the Regional Environment Centre. This information shall be delivered by 1 March at the latest unless otherwise specified in the environmental permit concerned.
- (3) The manufacturers, sellers and importers of marine gas oils shall annually report the amounts and sulphur contents of gas oils referred to in this Decree and placed on the Finnish market during the previous calendar year. The report shall be delivered to the Ministry of the Environment and the Finnish Maritime Administration annually by 1 March at the latest.
- (4) Finnish Customs controls the compliance with this Decree by taking a representative number of samples from fuel depots and service stations, analysing the samples and reporting the results to the Ministry of the Environment.

Section 10

Entry into force

(1) This Decree enters into force on 11 August 2006. The provision in paragraph 2, section 6 of this Decree shall be applied from 1 January 2010. Manufacturers, sellers and importers of marine fuels shall submit the report referred to in section 9 for the first time with respect to the year 2006.

(2) This Decree repeals the Government Decree (766/2000) on the sulphur content of heavy fuel oil and light fuel oil of 24 August 2000 with its subsequent amendments.