Ministerial Draft

of the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection

Second Ordinance amending the Ordinance on the Condition and Quality Labelling of Fuels and Combustibles

(Tenth Ordinance Implementing the Federal Immission Control Act – 10th BImSchV)

A. Problem and objective

In order to transpose European law requirements, adjustments are required in the secondary national legislative framework provided by the Federal Immission Control Act. To this end, the Ordinance on the Condition and Quality Labelling of Fuels and Combustibles (10th BImSchV) is being amended.

The amendment to the 10th BImSchV transposes Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58), as last amended by Directive XXX (reference to amended FQD (Fuel Quality Directive)). Directive XXX (reference to amended FQD) introduces B10 diesel, i.e. conventional diesel to which up to 10 per cent biodiesel (fatty acid methyl esters, FAME) can be added. In addition, Directive XXX (reference to amended FQD) requires Member States to ensure the availability of B7 protection grade diesel.

The amendment to the 10th BImSchV also adapts the law in Germany to Regulation XXX (reference to AFIR (Alternative Fuels Infrastructure Regulation)). Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1) is being repealed by Regulation (EU) No XXX (reference to AFIR).

Directive 2014/94/EU established EU-wide requirements for the deployment of infrastructure for alternative fuels supply. The rules laid down in Article 7(1), (2) and (5) of this Directive concern the labelling requirements for vehicle/fuel compatibility. These rules were transposed into national law by the 10th BImSchV, together with the rules on the purity of hydrogen as a fuel under Article 5(2) in conjunction with point 2.2 of Annex II to the Directive. The labelling requirements for vehicle/fuel compatibility are now laid down in Article 19(1) and (2) in conjunction with points 10.1 and 10.2 of Annex II to Regulation (EU) No XXX (reference to AFIR). The rules on the purity of hydrogen as a fuel are laid down in Article 21 in conjunction with point 3.2 of Annex II to Regulation (EU) No XXX (reference to AFIR). This Ordinance extends these minimum requirements under European law to include the existing national requirements of the 10th BImSchV as currently in force.

In addition, paraffinic diesel fuel (XTL) from synthesis or hydrogenation processes is to be included in the 10th BImSchV as pure fuel in accordance with DIN EN 15940. In order to avoid the unintentional promotion of fossil XTL paraffinic diesel fuels, these are being excluded, by amending at the same time the Act on the Procurement of Clean Road Vehicles, from being counted for the purposes of fulfilling the minimum targets defined in said Act for the procurement of heavy-duty vehicles or for services in which clean heavy-duty vehicles are used.

Since the last amendment to the 10th BImSchV, a number of technical standards cited in the 10th BImSchV have been revised, meaning that the version of the 10th BImSchV currently still in force is no longer up to date with current standards on fuels and testing.

B. Solution

Amendment to the 10th BImSchV.

C. Alternatives

None.

D. Budgetary expenditure exclusive of compliance costs

1. Budgetary expenditure excluding enforcement costs

The Federal Government will incur costs amounting to EUR 1 600 in the 2023 financial year as a result of the amendment to the 10th BImSchV. These will be covered in the respective budget section of the department concerned. The Länder (federal states) and municipalities will incur no additional costs as a result of the amendments to the 10th BImSchV.

2. Budgetary expenditure including enforcement costs

The budgets of the Federal Government, the Länder and municipalities will incur no costs as a result of the amendment to the 10th BImSchV.

E. Compliance costs

E.1 Compliance costs for citizens

Citizens will not incur any additional compliance costs.

E.2 Compliance costs for businesses

The amendment to the 10th BImSchV will cause one-off compliance costs of EUR 897 000; furthermore, there will be additional compliance costs of around EUR 180 000 per year arising from obligations to provide information and associated administrative costs. The impact of the draft Ordinance was examined in accordance with the ‘one in, one out’ principle. The labelling of B10 and XTL diesel is regulated throughout the EU and has been transposed on a one-to-one basis. The ‘one in, one out’ principle therefore does not apply.

E.3 Compliance costs for the authorities

At federal and municipal level, no additional compliance costs are incurred as a result of the amendment of the 10th BImSchV.

At Land level, this Ordinance has little impact if paraffinic diesel fuel and B10 diesel also have to be monitored as fuel grades. Whether this will be the case depends on whether

and to what extent paraffinic diesel fuel and B10 diesel will be placed on the market at refuelling stations. No additional compliance costs are incurred as a result of the electronic transmission of the monitoring results to the Federal Environment Agency via the online data collection tool FQMS-Portal, which is now mandatory.

F. Further costs

Only a small impact on unit prices and on the price level, in particular on consumer prices for fuels, is expected as a result of the amendment to the 10th BImSchV.

Ministerial Draft of the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection

Second Ordinance amending the Ordinance on the Condition and Quality Labelling of Fuels and Combustibles *)**)

Dated …

By virtue of

– § 34(1) and (3) of the Federal Immission Control Act, in the version promulgated on 17 May 2013 (Federal Law Gazette (BGBl.) I, p. 1274; 2021 I p. 123), the Federal Government after consulting the relevant stakeholders,

– § 34(2) and the first sentence of § 37 of the Federal Immission Control Act and § 2a(3) of the Petrol Lead Act, as inserted by Article 1(3) of the Act of 25 November 1975 (BGBl. I, p. 2919), the Federal Government,

– § 36(3) of the Act on Regulatory Offences, as last amended by Article 1(5)(b) of the Act of 26 January 1998 (BGBl. I, p. 156), the Federal Ministry for Digital and Transport,

– the first sentence of § 38(2) of the Federal Immission Control Act, as last amended by Article 103 of the Ordinance of 19 June 2020 (BGBl. I p. 1328), in conjunction with § 1(2) of the Competence Reassignment Act of 16 August 2002 (BGBl. I p. 3165) and the Organisational Order of 14 March 2018 (BGBl. I p. 374), the Federal Ministry for Digital and Transport and the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection after consulting the relevant stakeholders, and

– § 49(4), first sentence, subparagraph 1 of the Energy Industry Act, as reworded by Article 6(9)(a) of the Act of 21 July 2014 (BGBl. I p. 1066), the Federal Ministry for Economic Affairs and Climate Action hereby order as follows:

Article 1

The Ordinance on the Condition and Quality Labelling of Fuels and Combustibles of 8 December 2010 (BGBl. I, p. 1849), as last amended by Article 1 of the Ordinance of 13 December 2019 (BGBl. I, p. 2739), is amended as follows:

1. The table of contents is worded as follows:

‘Table of contents

---

*) This Ordinance transposes
- Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58, L 265, 5.9.2014, p. 36), as last amended by Regulation (EU) No XX,
- Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (OJ L 132, 21.5.2016, p. 58).

**) **Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

Annex 7 Symbol for Paraffinic diesel XTL (for § 13(1), first sentence, subparagraph 5)

Annex 8 Symbol for Biodiesel (for § 13(1), first sentence, subparagraph 6)

Annex 9 Symbol for Ethanol fuel (E85) (for § 13(1), first sentence, subparagraph 7)

Annex 10 Symbol for Autogas (for § 13(1), first sentence, subparagraph 8)

Annex 11 Symbol for Natural gas and biogas as fuel – CNG Group H (for § 13(1), first sentence, subparagraph 9(a)(aa))

Annex 12 Symbol for Natural gas and biogas as fuel – CNG Group L (for § 13(1), first sentence, subparagraph 9(a)(bb))

Annex 13 Symbol for Natural gas and biogas as fuel – LNG Group H (for § 13(1), first sentence 1, subparagraph 9(b)(aa))

Annex 14 Symbol for Vegetable oil fuel – rapeseed oil (for § 13(1), first sentence, subparagraph 10)

Annex 15 Symbol for Vegetable oil fuel – all seed types (for § 13(1), first sentence, subparagraph 11)

Annex 16 Symbol for Hydrogen (for § 13(1), first sentence, subparagraph 12)

Annex 17 Declaration by the manufacturer, mixer or supplier on the quality of liquid fuels (for § 18(2), fourth sentence)'.

2. § 1 is amended as follows:

a) In paragraph (1), '18' is replaced by '15'.

b) In paragraph (3) subparagraph 1, '2710 20 15, 2710 20 17' is replaced by '2710 20 16' replaced.

c) Paragraph (4) is amended as follows:

a%6) In subparagraph 1, '2710 20 15, 2710 20 17' is replaced by '2710 20 16'.

b%6) Subparagraph 2(b) is worded as follows:

'Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.9.2016, p. 53; L 231, 6.9.2019, p. 29), as last amended by Regulation (EU) 2022/992 (OJ L 169, 27.6.2022, p. 43), or'.

d) In paragraph (9), the words 'DIN EN ISO 3405, April 2011 edition' are replaced by the words 'DIN EN ISO 3405, September 2019 edition'.

e) In paragraph (10), the words 'DIN EN ISO 3405, April 2011 edition' are replaced by the words 'DIN EN ISO 3405, September 2019 edition'.

f) Paragraph (15) is worded as follows:

‘Combined nomenclature means the goods nomenclature referred to in Article 1 in conjunction with Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1); L 341, 3.12.1987, p. 38; L 378, 31.12.1987, p. 120; L 130, 26.5.1988, p. 42; L 151, 8.6.2016, p. 22), as last amended by Regulation (EU) 2022/2465 (OJ L 322, 16.12.2022, p. 81).’

g) Paragraphs (16), (17) and (18) are repealed.

3. § 4 is worded as follows:

§ 1‘

Requirements for diesel fuel, paraffinic diesel fuel, gas oil and other liquid fuels; protection grade provision; sulphur content; use for inland waterway vessels and recreational craft

(1) ‘B7’ grade diesel may only be placed on the market on a commercial basis or in the context of business undertakings vis-à-vis the final consumer if it meets the requirements of DIN EN 590, May 2022 edition.

(2) ‘B10’ grade diesel may only be placed on the market on a commercial basis or in the context of business undertakings vis-à-vis the final consumer if it meets the requirements of DIN EN 16734, September 2022 edition.

(3) ‘XTL’ grade paraffinic diesel fuel may only be placed on the market on a commercial basis or in the context of business undertakings vis-à-vis the final consumer if it meets the requirements of DIN EN 15940, July 2023 edition.

(4) Anyone offering ‘B10’ grade diesel fuels in accordance with paragraph (2) containing more than 7 % by volume of fatty acid methyl esters, or ‘XTL’ grade paraffinic diesel fuels in accordance with paragraph (3) is required also to offer, at the same point of delivery, ‘B7’ grade diesel fuels in accordance with paragraph (1) containing a maximum fatty acid methyl ester content of 7 % by volume.

(5) Paragraph (4) shall not apply to points of delivery where less than 500 cubic metres of diesel fuel in accordance with paragraphs (1) to (3) have been placed on the market in the two preceding calendar years. Compliance with the conditions laid down in the first sentence shall be demonstrated to the competent authority upon request, by means of appropriate supporting documents.

(6) Diesel fuel for use in mobile machinery and devices, agricultural and forestry tractors, inland waterway vessels and recreational craft may only be placed on the market on a commercial basis or in the context of business undertakings vis-à-vis the final consumer if its content of sulphur compounds, calculated as sulphur, does not exceed 10 milligrams per kilogram of diesel fuel.

(7) Gas oil for maritime transport may only be placed on the market on a commercial basis or in the context of business undertakings vis-à-vis the final consumer if its content of sulphur compounds, calculated as sulphur, does not exceed 1.0 grams per kilogram of gas oil for maritime transport.

(8) Marine diesel may only be placed on the market on a commercial basis or in the context of business undertakings vis-à-vis the final consumer if its content of sulphur compounds, calculated as sulphur, does not exceed 15.0 grams per kilogram of maritime diesel.

(9) For inland waterway vessels and recreational craft, gas oils for inland waterway vessels and other liquid fuels may only be used if their sulphur content does not exceed the sulphur content permitted for diesel fuel as laid down in paragraph (6).'

4. In § 7(1), the words 'DIN EN 589, March 2019 edition' are replaced by the words 'DIN EN 589, April 2022 edition'.

5. In § 8(3), the words 'Paragraphs (1) and (2) shall apply' are replaced by the words 'Paragraph (1) shall apply'.

6. § 9 is amended as follows:

   a) In paragraph (1), the words 'DIN 51605, January 2016 edition' are replaced by the words 'DIN 51605, November 2020 edition'.

   b) In paragraph (2), the words 'DIN 51623, December 2015 edition' are replaced by the words 'DIN 51623, November 2020 edition'.

7. § 9a is amended as follows:

   a) The words 'DIN EN 17124, July 2019 edition' are replaced by the words 'DIN EN 17124, December 2022 edition'.

   b) The following sentence is added: 'Only the analytical methods listed in DIN ISO 21087, March 2022 edition, Table 2, and any analytical methods fully validated in accordance with DIN ISO 21087, March 2022 edition are permitted for verifying compliance with the specifications set out in DIN EN 17124, December 2022 edition, Table 1.'

8. In § 10(2), second sentence, subparagraph 2, the reference '24 July 2002 (GMBl. 2002 p. 511)' is replaced by the reference '18 August 2021 (GMBl 2021 No 48-54, p. 1050)'.

9. § 11 is amended as follows:

   a) The reference '§ 4(1)' is replaced by the words ' § 4(1) to (3)'.

   b) Subparagraph 1 is worded as follows:

   '1. those standards or technical specifications comply with any of the following standards:

   a) DIN EN 228, August 2017 edition;

   b) DIN EN 590, May 2022 edition;

   c) DIN EN 16734, September 2022 edition;

   d) DIN EN 15940, July 2023 edition;

   e) DIN EN 14214, May 2019 edition;

   f) DIN EN 15293, October 2018 edition;

   g) DIN EN 589, April 2022 edition;

   h) DIN EN 16723-2, October 2017 edition, with the proviso that for requirements, limit values and associated test methods for natural gas and biogas as fuels for motor ve-

hicles, Table D.1 of DIN EN 16723-2, October 2017 edition applies, and that for requirements concerning additives, Section 5.2 of DIN 51624, February 2008 edition, applies;

i) DIN 51605, November 2020 edition;

j) DIN 51623, November 2020 edition; or

k) DIN EN 17124, December 2022 edition, and'.

10. In § 12(1), the words '§ 4(2) to (4)' are replaced by the words '§ 4(6) to (8)'.

11. § 13 is amended as follows:

a) Paragraph (1) is worded as follows:

(1) ' The operator of a refuelling point shall make the grade of the fuel in accordance with the second and third sentences clearly visible at the corresponding filling pumps and filling nozzles in the following manner:

1. sulphur-free petrol with a maximum oxygen content of 2.7 % by weight and a maximum ethanol content of 5 % by volume, which meets the requirements of DIN EN 228, August 2017 edition, or which is equivalent in accordance with § 11, shall be marked with the designation 'Super' or 'Super Plus' and with the relevant symbol in accordance with Annex 1 or 2; the words 'Contains up to 5 % bioethanol' [in German] must be included in the Part a symbol;

2. sulphur-free petrol which meets the requirements of DIN EN 228, August 2017 edition or which is equivalent in accordance with § 11 and the oxygen content of which may exceed 2.7 % by weight or ethanol content of which may exceed 5 % by volume, shall be marked with the designation 'Super E10' or 'Super Plus E10' and with the relevant symbol in accordance with Annex 3 or 4; the words 'Contains up to 10 % bioethanol' and 'Is your vehicle compatible with E10? Consult manufacturer information! If you are unsure, fill up with Super or Super Plus!' [in German] must be included in the Part a symbol;

3. diesel fuel which meets the requirements of DIN EN 590, May 2022 edition or which is equivalent in accordance with § 11 shall be marked with the designation 'Diesel' and the symbol in accordance with Annex 5; the words 'Contains up to 7 % biodiesel' [in German] must be included in the Part a symbol;

4. diesel fuel which meets the requirements of DIN EN 16734, September 2022 edition or which is equivalent in accordance with § 11 shall be marked with the designation 'B10 diesel' and with the symbol in accordance with Annex 6; the words 'Contains up to 10 % biodiesel' and 'Is your vehicle compatible with B10? Consult manufacturer information (e.g. fuel filler flap or operating instructions)! If you are unsure, fill up with B7 diesel!' [in German] must be included in the Part a symbol;

5. paraffinic diesel fuel which meets the requirements of DIN EN 15940, July 2023 edition or which is equivalent in accordance with § 11 shall be marked with the designation 'Paraffinic diesel' [in German] and with the symbol in accordance with Annex 7; the words 'Contains up to 7 % biodiesel' and 'Is your vehicle compatible with XTL? Consult manufacturer information (e.g. fuel filler flap or operating instructions)!' must be included in the Part a symbol;

6. fatty acid methyl esters for diesel engines which meet the requirements of DIN EN 14214, May 2019 edition or which are equivalent in accordance with §

11 shall be marked with the designation ‘Biodiesel’ and with the symbol in accordance with Annex 8;

7. ethanol for motor vehicles which meets the requirements of DIN EN 15293, October 2018 edition or which is equivalent in accordance with § 11 shall be marked with the designation ‘Ethanol fuel (E85)’ and with the symbol in accordance with Annex 9;

8. autogas which meets the requirements of DIN EN 589, April 2022 edition or is equivalent in accordance with § 11 shall be marked with the designation ‘Autogas’ and with the sign in accordance with Annex 10;

9. natural gas and biogas fuels which meet the requirements of DIN EN 16723-2, October 2017 edition, with the proviso that for the requirements, limit values and associated test methods for natural gas and biogas as fuels for motor vehicles, Table D.1 of DIN EN 16723-2, October 2017 edition shall apply, or fuels that are equivalent in accordance with § 11 shall be marked

a) if placed on the market as compressed natural gas (CNG)

a%6) with the designation ‘Natural gas H’ and with the symbol in accordance with Annex 11, or

b%6) with the designation ‘Natural gas L’ and with the symbol in accordance with Annex 12, provided that, by way of derogation from Table D.1 of DIN EN 16723-2, October 2017 edition, the grade only meets the requirements of a lower Wobbe index of at least 36.3 megajoules per cubic metre and has a calorific value of at least 39 megajoules per kilogram, or

b) if placed on the market as liquefied natural gas (LNG)

a%6) with the designation ‘Natural gas H’ and with the symbol in accordance with Annex 13;

10.vegetable oil fuel which meets the requirements of DIN 51605, November 2020 edition or which is equivalent in accordance with § 11 shall be marked with the designation ‘Plant oil fuel – rapeseed oil’ and with the symbol in accordance with Annex 15;

11.vegetable oil fuel which meets the requirements of DIN 51623, November 2020 edition or which is equivalent in accordance with § 11 shall be marked with the designation ‘Plant oil fuel – all seed types’ and with the symbol in accordance with Annex 16;

12.hydrogen as a fuel which meets the requirements of DIN EN 17124, December 2022 edition, or which is equivalent in accordance with § 11, shall be marked with the designation ‘Hydrogen’ and with the symbol in accordance with Annex 17.

For labelling the filling pumps, the symbol in Part a of the relevant Annex shall be used. For labelling the filling nozzle, the symbol in Part b of the relevant Annex shall be used.’

b) Paragraph (3) first sentence is repealed.

c) Paragraph (6) is worded as follows:

‘The operator of a recharging point shall affix the consumer information in accordance with Section 6.3 of DIN EN 17186, October 2019 edition, to the recharging point in accordance with the second and fourth sentences. The consumer information shall include, in Section A of the symbol in accordance with Section 6.3.1 of DIN EN 17186, October 2019 edition, the text ‘Electric vehicle charging’. A minimum width of 40 millimetres is recommended for the symbol in Section B of the symbol. In Section C of the symbol, the calculated performance shall be indicated as recommended in DIN EN 17186, October 2019 edition.’

12. In § 14(1), first sentence, subparagraph 1, the reference ‘§ 4(1)’ is replaced by the words ‘§ 4(1) to (3)’.

13. § 15 is worded as follows:

§ 1‘

Notification of fuel quality for motor vehicle operation

For liquid or gaseous fuels, the designations referred to in § 13 for the quality of the fuels and the symbols set out in Annexes 1 to 17, Part b in each case, shall be used in the notification of fuel quality by manufacturers. The notification of fuel quality shall encompass the clearly visible affixing of the symbols to all fuel filler caps or vehicle plugs of motor vehicles for which the fuel in question is recommended and suitable, or in the immediate vicinity of the filler cap or vehicle plugs of such vehicles.’

14. § 16 is amended as follows:

a) In paragraph (1), first sentence, the reference ‘§ 4(1)’ is replaced by the words ‘§ 4(1) to (3)’.

b) In paragraph (2), the words ‘or LNG refuelling points’ are deleted.

c) In paragraph (3), first sentence, the words ‘§ 4(2) to (5)’ are replaced by the words ‘§ 4(6) to (9)’.

15. § 18 is amended as follows:

a) Paragraph (1) is worded as follows:

(1) ‘ The competent authorities shall monitor compliance with the requirements for fuels laid down in § 3 to § 9a and the requirements for the labelling of these fuels laid down in § 13

1. on the basis of the test methods specified in the DIN and DIN EN standards referred to in § 3 to § 10, and

2. on the basis of the methods prescribed

a) in the DIN standards

a%6) DIN EN 14274, May 2013 edition;

b%6) DIN EN ISO 3170, June 2004 edition;

c%6) DIN EN ISO 3171, November 2000 edition;

d%6) DIN EN ISO 4257, March 2002 edition;

e%6) DIN ISO 21087, March 2022 edition; and

b) in DVGW worksheet G 264, February 2019 edition.

By way of derogation from the specifications in DIN EN 14214, May 2019 edition, the test method in accordance with DIN EN 12662, July 2008 edition, shall continue to apply to the determination of total pollution when inspecting fuel placed on the market.'

a) In paragraph (2) fourth sentence, the reference 'Annex 16' is replaced by the reference 'Annex 18'.

b) In paragraph (3), first sentence, the words '§ 4(2) to (5)' are replaced by the words '§ 4(6) to (9)'.

c) Paragraph (4) is amended as follows:

a%6) In the first sentence, subparagraph 1, the words 'DIN EN ISO 20846, January 2012 edition' are replaced by the words 'DIN EN ISO 20846, December 2019 edition'.

b%6) In the first sentence, subparagraph 2, the words 'DIN EN ISO 20884, July 2011 edition' are replaced by the words 'DIN EN ISO 20884, January 2022 edition'.

c%6) In the second sentence, the words 'DIN EN ISO 20846, January 2012 edition' are replaced by the words 'DIN EN ISO 20846, December 2019 edition' and the words 'DIN EN ISO 20884, July 2011 edition' are replaced by the words 'DIN EN ISO 20884, January 2022 edition'.

d) Paragraph (5) is amended as follows:

a%6) In the third sentence, in the part of the sentence before subparagraph 1, the words '§ 14(4) subparagraph 1' are replaced bythe words '§ 13(4) subparagraph 1'.

b%6) In the first sentence, subparagraph 3, the words 'DIN EN ISO 20846, January 2012 edition' are replaced by the words 'DIN EN ISO 20846, December 2019 edition'.

c%6) In the third sentence, subparagraph 2, the words 'DIN EN ISO 20884, July 2011 edition' are replaced by the words 'DIN EN ISO 20884, January 2022 edition'.

d%6) The fourth sentence is worded as follows:

'In the case of light fuel oil which is additionally labelled with the term 'low-nitrogen' in accordance with § 13(4) subparagraph 2, the test method in accordance with DIN 51444, October 2020 edition, shall be used.'

e) In paragraph (8), the words 'electronically via the online data collection tool FQMS-Portal' are inserted after the words 'Federal Environment Agency.

16. § 20 is amended as follows:

a) Paragraph (1) is amended as follows:

a%6) Subparagraph 1 is amended as follows:

a%7%7) In letter a, the words ‘§ 4(2), (3) or (4)’ are replaced by the words ‘§ 4(6), (7) or (8)’.

b%7%7) In letter b, the words ‘(2) or (3)’ are inserted after thewords ‘§ 4(1).

b%6) In subparagraph 3, the words ‘or § 4(4)’ are inserted after thewords ‘§ 3(2) or (3)’.

c%6) In subparagraph, the reference ‘§ 4(5)’ is replaced by the reference ‘§ 4(9)’.

b) In paragraph (3), the words ‘Inland Navigation Tasks Act, in the version promulgated on 5 July 2001 (BGBl. I p. 2026), as last amended by Article 146 of the Act of 20 November 2019 (BGBl. I p. 1626),’ are replaced by the words ‘Inland Navigation Tasks Act, in the version promulgated on 20 March 2023 (BGBl. 2023 I No 82)’.

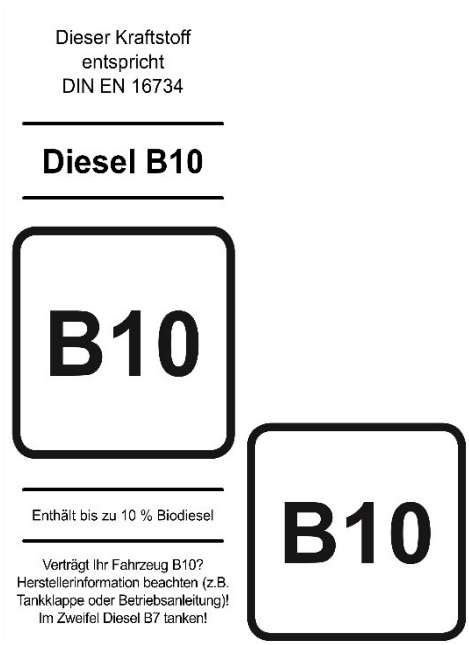
17. The annexes are amended as follows:

a) After Annex 5, the following Annex 6 and Annex 7 are inserted:

‘Annex 6

(for § 13(1), first sentence, subparagraph 4)

Symbol for B10 diesel



Dieser Kraftstoff entspricht DIN EN 16734	This fuel complies with DIN EN 16734
Diesel B10	B10 diesel
Enthält bis zu 10 % Biodiesel	Contains up to 10 % biodiesel
Verträgt Ihr Fahrzeug B10? Herstellerinformation beachten (z.B.	Is your vehicle compatible with B10? Consult manufacturer information (e.g. fuel

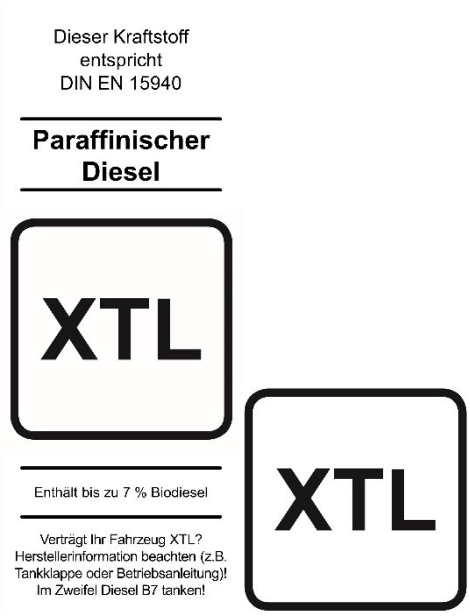
Tankklappe oder Betriebsanleitung)! Im Zweifel Diesel B7 tanken!	filler flap or operating instructions)! If you are unsure, fill up with B7 diesel!

Part a Part b

Annex 7

(for § 13(1), first sentence, subparagraph 5)

Symbol for paraffinic diesel XTL



Dieser Kraftstoff entspricht DIN EN 15940	This fuel complies with DIN EN 15940
Paraffinischer Diesel	**Paraffinic diesel**
Enthält bis zu 7 % Biodiesel	Contains up to 7 % biodiesel
Verträgt Ihr Fahrzeug XTL? Herstellerinformation beachten (z.B. Tankklappe oder Betriebsanleitung)! Im Zweifel Diesel B7 tanken!	Is your vehicle compatible with XTL? Consult manufacturer information (e.g. fuel filler flap or operating instructions)! If you are unsure, fill up with B7 diesel!

Part a Part b'.

b) The previous Annex 6 becomes Annex 8, and in the heading the words '§ 13(1), first sentence, subparagraph 4' are replaced by the words '§ 13(1), first sentence, subparagraph 6'.

c) The previous Annex 7 becomes Annex 9, and in the heading the words ‘§ 13(1), first sentence, subparagraph 5’ are replaced by the words ‘§ 13(1), first sentence, subparagraph 7’.

d) The previous Annex 8 becomes Annex 10, and in the heading the words ‘§ 13(1), first sentence, subparagraph 6’ are replaced by the words ‘§ 13(1), first sentence, subparagraph 8’.

e) The previous Annex 9 becomes Annex 11, and in the heading the words ‘§ 13(1), first sentence, subparagraph 7’ are replaced by the words ‘§ 13(1), first sentence, subparagraph 9’.

f) The previous Annex 10 becomes Annex 12, and in the heading the words ‘§ 13(1), first sentence, subparagraph 7’ are replaced by the words ‘§ 13(1), first sentence, subparagraph 9’.

g) The previous Annex 11 becomes Annex 13, and in the heading the words ‘§ 13(1), first sentence, subparagraph 7’ are replaced by the words ‘§ 13(1), first sentence, subparagraph 9’.

h) The previous Annex 12 is repealed.

i) The previous Annex 13 becomes Annex 14, and in the heading the words ‘§ 13(1), first sentence, subparagraph 8’ are replaced by the words ‘§ 13(1), first sentence, subparagraph 10’.

j) The previous Annex 14 becomes Annex 15, and in the heading the words ‘§ 13(1), first sentence, subparagraph 9’ are replaced by the words ‘§ 13(1), first sentence, subparagraph 11’.

k) The previous Annex 15 becomes Annex 16, and in the heading the words ‘§ 13(1), first sentence, subparagraph 10’ are replaced by the words ‘§ 13(1), first sentence, subparagraph 12’.

l) The previous Annex 16 becomes Annex 17 and is worded as follows:

‘Annex 17

(for § 18(2) fourth sentence)

Declaration by the manufacturer, mixer or supplier on the quality of liquid fuels

1. Declaration by the manufacturer or mixer on the quality of liquid fuels

Copy number:

	Diesel fuel in accordance with § 1(4)	Gas oil for maritime transport in accordance with § 1(6)	Marine diesel in accordance with § 1(7)	Other marine fuels in accordance with § 1(8)	Light fuel oil in accordance with § 1(9)	Heavy fuel oil in accordance with § 1(10)

Quantity in t						
Consignment's first place of destination						
Key data						
a) Density at 15 degrees C according to DIN EN ISO 3675* November 1999 edition, or according to DIN EN ISO 12185 (reference method), November 1997 edition, in kg/cbm; for heavy fuel oil according to DIN 51757, January 2011 edition, in kg/cbm:						
b) Viscosity in mm^2/s:	at 40 degrees C according to DIN EN ISO 3104, January 2021 edition	at 40 degrees C according to DIN EN ISO 3104, January 2021 edition	at 40 degrees C according to DIN EN ISO 3104, January 2021 edition	at 40 degrees C according to DIN EN ISO 3104, January 2021 edition	at 20 degrees C according to DIN 51562-1, January 1999 edition	at 100 and 150 degrees C according to DIN EN ISO 3104, January 2021 edition, according to DIN 51366, December 2013 edition, or according to DIN 51562-1, January 1999 edition
c) Boiling range distribution; collected distillate in % by volume:	according to DIN EN				according to DIN EN	

* * reference method in case of dispute

	ISO 3405, September 2019 edition, or according to DIN EN ISO 3924, December 2019 edition: up to 180 degrees C: up to 340 degrees C:				ISO 3405, September 2019 edition: up to 250 degrees C: up to 350 degrees C:	
d) Sulphur content	according to DIN EN ISO 20846, December 2019 edition, or according to DIN EN ISO 20884, January 2022 edition, or according to DIN EN ISO 13032, June 2012	according to DIN EN ISO 8754, December 2003 edition, or according to DIN EN ISO 14596, December 2007 edition, in weight %:	according to DIN EN ISO 8754, December 2003 edition, or DIN EN ISO 14596, December 2007 edition, in weight %:	according to DIN EN ISO 8754, December 2003 edition, or according to DIN EN ISO 14596, December 2007 edition, in weight %:	according to DIN EN ISO 8754, December 2003 edition, or according to DIN EN ISO 14596, December 2007 edition, in % (m/m) or mg/kg;	according to DIN 51400-3, June 2001 edition, according to DIN EN ISO 8754, December 2003 edition, or according to DIN EN ISO 14596, December 2007

	edition, in mg/kg:				or where labelled as ‘low-sulphur’ accord-ing to DIN EN ISO 20846, Decem-ber 2019 edition, or DIN EN ISO 20884, January 2022 edition, in % (m/m) or mg/kg:	edition, in weight %:
e) Nitrogen content					Where labelled as ‘low-nitrogen’ accord-ing to DIN 51444, October 2020 edition, in mg/ kg:	

* reference method in case of dispute

Place where test conducted, test date and number:

Manufacturer (name and address):

Signature:

2. Additional declaration by the supplier pursuant to § 18(2) third sentence

Company name and registered office:

Quantity supplied:

Recipient:

Place of destination:

Place, date:

Signature:'.

Article 2

This Ordinance shall enter into force on the day following its promulgation, no early however than on [date to be determined, six months after entry into force of Regulation (EU) No XXX (reference to AFIR)].

Approved by the Bundesrat.

Explanatory notes

A. General part

I. Objective of and need for the provisions

The Second Ordinance amending the Ordinance on the Quality and Labelling of Fuels (10th BImSchV) transposes Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58), as last amended by Directive XXX (reference to amended FQD).

The amendment to the 10th BImSchV also adapts the law in Germany to Regulation (EU) No (reference to AFIR). Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1) is being repealed by Regulation (EU) No (reference to AFIR).

Furthermore, paraffinic diesel fuel (XTL) from synthesis or hydrogenation processes in accordance with DIN EN 15940 is to be permitted as a pure fuel in the 10th BImSchV.

Since the last amendment to the 10th BImSchV, a number of technical standards cited in the 10th BImSchV have been revised, meaning that the version of the 10th BImSchV currently still in force is no longer up to date with current standards on fuels and testing.

II. Main content of the draft

In order to transpose Directive XXX (reference to amended FQD) B10 diesel, i.e. conventional diesel, to which up to 10 per cent biodiesel (fatty acid methyl esters, FAME) can be added, together with the corresponding standard for B10 diesel – DIN EN 16734, September 2022 edition – is being included in the10th BImSchV. In addition, according to the requirements of Directive XXX (reference to amended FQD), the B7 protection grade is also being introduced.

The amendment to the 10th BImSchV also adapts the law in Germany to Regulation (EU) No (reference to AFIR). Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1) is being repealed by Regulation (EU) No (reference to AFIR).

Directive 2014/94/EU established EU-wide requirements for the deployment of infrastructure for alternative fuels supply. The provisions laid down in Articles 7(1) and (2) and (5) of the Directive concern the labelling requirements for fuel/vehicle compatibility and were transposed into national law by the 10th BImSchV, together with the rules on the purity of hydrogen as a fuel laid down in Article 5(2) in conjunction with point 2.2 of Annex II to the Directive. The labelling requirements for vehicle/fuel compatibility are now laid down in Article 19(1) and (2) in conjunction with points 10.1 and 10.2 of Annex II to Regulation (EU) No XXX (reference to AFIR). This Ordinance extends these requirements to include the existing national requirements of the 10th BImSchV as currently in force. In addition, the labelling requirement for B10 diesel and paraffinic diesel fuel is added.

The quality requirements for paraffinic diesel are set out in DIN EN 15940, July 2023 edition, and are being included in the 10th BImSchV.

The references to the requirements standards for diesel fuel, autogas, vegetable oil fuels and hydrogen as a fuel are being updated to reflect the current standards DIN EN 590, May 2022 edition, DIN EN 589, April 2022 edition, DIN 51605, November 2020 edition, DIN 51623, November 2020 edition and DIN EN 17124, December 2022 edition.

The nomenclature used for defining diesel fuel and diesel fuel for use in mobile machinery, agricultural and forestry tractors, inland waterway vessels and recreational craft has been updated by referencing the subheading 2710 20 16.

III. Alternatives

There is no alternative to issuing an Ordinance.

The Ordinance makes a significant contribution to sustainable development. The imposition of demanding requirements for fuels provides the basis for further improvement in climate and health protection. This is also necessary against the background of social responsibility towards future generations and also improves the conditions for performance of the economy in the long term.

IV. Regulatory power

The draft 10th BImSchV is issued on the basis of powers conferred by the following legislation:

– § 34 (1) and (3) of the Federal Immission Control Act, in the version promulgated on 17 May 2013 (BGBl. I, p. 1274; 2021 I p. 123),

– § 34 (2) and the first sentence of § 37 of the Federal Immission Control Act and § 2a(3) of the Petrol Lead Act, as inserted by Article 1(3) of the Act of 25 November 1975 (BGBl. I, p. 2919),

– § 36 (3) of the Act on Regulatory Offences, as last amended by Article 1(5)(b) of the Act of 26 January 1998 (BGBl. I, p. 156) the Federal Ministry for Digital and Transport,

– § 38 (2), first sentence, of the Federal Immission Control Act, as last amended by Article 103 of the Act of 19 June 2020 (BGBl. I p. 1328), in conjunction with § 1(2) of the Competence Reassignment Act of 16 August 2002 (BGBl. I p. 3165) and the Organisational Order of 14 March 2018 (BGBl. I p. 374), and

– § 49 (4), first sentence, subparagraph 1 of the Energy Industry Act, as reworded by Article 6(9)(a) of the Act of 21 July 2014 (BGBl. I p. 1066).

V. Compatibility with European Union law and international treaties

The draft Ordinance is in line with the requirements of the directives and decisions as transposed by the respective legislation and directly applicable regulations, as well as with the provisions of EU law in all other respects.

VI. Consequences of the legislation

1. Legal and administrative simplification

The aim of rewording the 10th BImSchV is also to adapt the law in Germany to EU law. This will increase legal certainty and thus contribute to the simplification of administrative procedures.

2. Sustainability aspects

Fuel quality requirements as laid down in the 10th BImSchV are important for the environment (air quality), consumer protection (impact of vehicle emission limits being exceeded or the functioning of engines) and businesses (expenses and costs for complying with the limit values).

The Act helps to achieve the air pollutant emissions targets (Indicator 3.2.a) in the German Sustainability Strategy by directly limiting vehicle emissions or reducing them by enabling the use of exhaust gas after-treatment systems, thus preventing future pollution.

Alongside the national provisions, the Federal Government is working through numerous international bodies (including the standardisation of fuels at the German Institute for Standardization, the European Sustainable Shipping Forum and the International Maritime Organization) to further develop the requirements for fuel quality as well as additional environmental measures in connection with the use of (maritime) fuels.

3. Budgetary expenditure exclusive of compliance costs

As a result of the amendment to the 10th BImSchV, Federal Government will incur costs of around EUR 1 600 in the 2023 financial year under budget section 16 for the payment of royalties for displaying the symbols in Annexes 6 and 7 to § 13(1), first sentence, subparagraphs 4 and 5 of the 10th BImSchV. These will be covered in the respective budget section of the department concerned.

The Länder and municipalities will not incur any additional budgetary expenditure.

4. Compliance costs

4.1 Compliance costs for citizens

There are no additional compliance costs for citizens.

4.2 Compliance costs for businesses

Compliance costs for businesses are outlined below on the basis of the obligations to provide information under § 13(1) to (3) and (6) as well as § 15 of the 10th BImSchV.

At refuelling stations offering B10 or XTL diesel, the corresponding labels for the fuels must be attached for the first time to the filling pumps and filling nozzles. It is assumed that initially 5 per cent of the approximately 14 500 refuelling stations across Germany (as at the beginning of 2022: 14 453 refuelling stations) will offer B10 and/or XTL diesel.

The calculations of the one-off compliance costs are based on the following assumptions:

- Only a small market presence of the new B10 and XTL diesel fuels is expected at market launch. Given the fuel storage capacities at refuelling stations, it is expected that the new fuels will substantially only be offered by the refuelling stations once fuel grades currently offered are no longer offered there.

- For No E.2.001: an average of 3.5 filling pumps with 7 filling nozzles each per refuelling station; to be labelled by certified external specialist company (incl. required travel times); number of refuelling stations: 650

- For No E.2.002: an average of 2.5 filling pumps with 6 filling nozzles each per refuelling station; to be labelled by refuelling station staff; number of 'independent refuelling stations': 75

The costs for the stickers are also included in the material costs. It is assumed that the procurement of stickers for 'independent refuelling stations' is more costly than for the other refuelling stations (no volume discount).

Table: One-off compliance costs

No	Description	Section of legislation	Type of requirement	Number of cases	Time expenditure in minutes per case	Wage rate in EUR/h	Staff costs in EUR thousands	Materials costs in EUR per case	Number of cases	Material costs in EUR thousands	Total costs in EUR thousands
E.2.001	Labelling of fuel quality at refuelling points (pumps and nozzles) Case group: by certified specialist company	§ 13 (1), first sentence, subparagraphs 4 and 5	Obligation to provide information	650				1 344.31	650	874	**874**
E.2.002	Labelling of fuel quality at refuelling points (pumps and nozzles) Case group: without certified specialist firm (at independent refuelling stations)	§ 13 (1), first sentence, subparagraphs 4 and 5	Obligation to provide information	75	600.0	23.80	18	62.48	75	5	**23**

In subsequent years, businesses will incur compliance costs as follows:

• Over time too, only a small market ramp-up of these fuels is assumed (1 per cent annual expansion of supply across all refuelling stations). It is assumed that B10 and XTL fuels will have the same market share as a whole.

• For No E.2.001: an average of 3.5 filling pumps with 7 filling nozzles each per refuelling station; to be labelled by certified external specialist company (incl. required travel times); number of refuelling stations: 130

• For No E.2.002: an average of 2.5 filling pumps with 6 filling nozzles each per refuelling station; to be labelled by refuelling station staff; number of 'independent refuelling stations': 15

Table: Annual compliance costs

No	Description	Section of legislation	Type of requirement	Number of cases	Time expenditure in minutes per case	Wage rate in EUR/h	Staff costs in EUR thousands	Materials costs in EUR per case	Number of cases	Material costs in EUR thousands	Total costs in EUR thousands

E.2.001	Labelling of fuel quality at refuelling points (pumps and nozzles) Case group: by certified specialist company	§ 13 (1), first sentence, subparagraphs 4 and 5	Obligation to provide information	130				1 344.31	130	175	**175**
E.2.002	Labelling of fuel quality at refuelling points (pumps and nozzles) Case group: without certified specialist firm (at independent refuelling stations)	§ 13 (1), first sentence, subparagraphs 4 and 5	Obligation to provide information	15	600.0	23.80	4	62.48	15	1	**5**

As a result of the obligations to provide information arising from § 15 of the 10th BImSchV for the operation of motor vehicles, businesses incur no additional compliance costs. All vehicle manufacturers whose vehicles are to be newly registered in Germany are affected by the requirements for motor vehicles. In this respect, no existing vehicles are affected. The information now required will also be incorporated into labels and documents that are already to be prepared.

This Ordinance therefore results in one-off costs for businesses totalling EUR 897 000. In addition, there are annual compliance costs of EUR 180 000 for labelling B10 and XTL diesel at pumps and nozzles; of which the full amount of EUR 180 000 constitutes administrative costs arising from information obligations.

The draft Ordinance affects around 1 500 small and medium-sized enterprises (SMEs; 'independent refuelling stations'). The impact assessment examined the interests of SMEs. Labelling of B10 and XTL diesel is uniformly regulated throughout the EU. All parties addressed by the legislation must be treated equally. The examination showed no relaxing of the rules was possible for SMEs.

The impact of the draft Ordinance was examined in accordance with the 'one in, one out' principle. The labelling of B10 and XTL diesel is regulated throughout the EU and is being transposed on a one-to-one basis. The 'one in, one out' principle therefore does not apply.

The labelling obligation under § 13 of 10th BImSchV (see Article 1(9) of this Ordinance) for B10 and XTL diesel fuels is to be taken into account as an additional ongoing compliance cost for businesses in this sense. Businesses will incur additional annual compliance costs as a result of the required labelling of B10 and XTL diesel at the corresponding refuelling stations. To calculate annual compliance costs, it is assumed that 145 additional refuelling stations will offer B10 and XTL diesel each year and will have to carry out labelling in accordance with § 13.

The draft Ordinance therefore results in one-off compliance costs totalling EUR 897 000 due to European requirements and annual compliance costs totalling around EUR 180 000 due to European requirements.

4.3 Compliance costs for the authorities

There are no additional compliance costs at federal and municipal level. There are only small additional annual compliance costs compared to the previous regulation at Land level, if paraffinic diesel fuel and B10 diesel also have to be monitored as fuel grades.

Whether this is the case depends on whether, where and to what extent additional new fuel grades are placed on the market at refuelling stations. High market penetration is currently not expected. No additional compliance costs are incurred as a result of the electronic transmission of the monitoring results to the Federal Environment Agency via the online data collection tool FQMS-Portal, which is now mandatory, since the transmission of the data in other formats is no longer necessary and the portal was introduced in 2021. In 2023, all Länder reported the 2022 monitoring results in the FQMS-Portal.

5. Further costs

A slight cost-increasing effect, as a result of the standard-compliant labelling of B10 and XTL diesel which is binding under EU law, cannot be ruled out.

A slight impact on unit prices, the price level, in particular on the level of consumer prices, cannot be excluded.

6. Further consequences of the legislation

None. In particular, the Ordinance has no gender-specific impact.

VII. Time limit; evaluation

Issuing the 10th BImSchV for a limited time is not possible, as EU law must be implemented indefinitely.

B. Specific part

Article 1

Point 1

An updated table of contents is being added to the Ordinance.

Point 2

Letter a

Consequential amendment due to the deletion of the terms refuelling station, LNG refuelling point and alternative fuels in § 1(16), (17) and (18) of the 10th BImSchV as currently in force.

Letter b

In the definition in § 1(3), the nomenclature is being updated to reflect the current nomenclature of Regulation (EEC) No 2658/87 by reference to subheadings 2710 20 16 instead of subheadings 2710 20 15, 2710 20 17, with Directive 98/70/EC continuing to be transposed on an one-to-one basis.

In addition to the mixed B7 and B10 diesel fuels, the definition of diesel fuel also includes paraffinic diesel fuels (XTL). A change to the definition of diesel fuel is therefore not necessary due to the introduction of B10 or XTL diesel. In particular, according to Chapter 27, Note 2 in the Combined Nomenclature, the term ‘petroleum oils and oils obtained from bituminous minerals’ in item 2710 must be understood to include, alongside petroleum oils and oils from bituminous minerals, similar oils, and oils consisting predominantly of mixtures of unsaturated hydrocarbons, irrespective of the production process, in which the

weight of the non-aromatic constituents exceeds that of the aromatic constituents. Paraffinic diesel fuel is also a ‘similar oil’ within the meaning of that note. It thus falls under the term ‘petroleum oils and oils obtained from bituminous minerals’, because the classification in the nomenclature applies irrespective of the production process (refining or synthesis) and the source (fossil or biogenic). Subheading 2710 20 also explicitly mentions ‘petroleum oils and oils obtained from bituminous minerals (other than crude oils) and preparations containing by weight 70 % or more of petroleum oils or oils obtained from bituminous minerals, these oils being the basic constituents of the preparations, which contain biodiesel’.

Letter c

Double letter aa

In the definition in § 1(4) subparagraph 1, the nomenclature of Regulation (EEC) No 2658/87 is being updated to reflect the current nomenclature by reference to subheadings 2710 20 16 instead of subheadings 2710 20 15, 2710 20 17, with Directive 98/70/EC continuing to be transposed on an one-to-one basis.

Double letter bb

In the definition in § 1(4) subparagraph 2(b) we are updating the reference to Regulation (EU) 2016/1628.

Letter d

§ 1 (9) is being updated to reflect the latest standards by referencing the current standard, DIN EN ISO 3405, September 2019 edition.

Letter e

§ 1 (10) is being updated to reflect the latest standards by referencing the current standard, DIN EN ISO 3405, September 2019 edition.

Letter f

The reference to Regulation (EEC) No 2658/87 is being updated.

Letter g

The terms refuelling station, LNG refuelling point and alternative fuels were added at the last amendment of the 10th BImSchV to transpose definitions of Directive 2014/94/EU. Since Directive 2014/94/EU has now been transformed into a Regulation, the definitions apply directly. The term LNG refuelling point is no longer used in Regulation (EU) No XX (reference to AFIR). However, LNG refuelling points are now covered by the term refuelling station in Article 2(59) of the Regulation (EU) No XX (reference to AFIR).

Point 3

The heading of § 4 is being extended to include the words paraffinic diesel fuel and protection grade provision.

§ 4 (1) is being updated to reflect the latest standards by referencing the current standard, DIN EN 590, May 2022 edition.

§ 4 (2) opens up the possibility, in order to transpose Directive XXX (reference to amended FQD), of offering diesel fuel with a maximum fatty acid methyl ester content of 10 % by volume (B10) by referencing DIN EN 16734, September 2022 edition.

§ 4 (3) opens up the possibility of offering paraffinic diesel fuel with a maximum fatty acid methyl ester content of 7 % by volume (XTL) by referencing DIN EN 15940, July 2023 edition.

Under § 4(4), providers offering diesel fuel with a maximum fatty acid methyl ester content of 10 % by volume (B10) or paraffinic diesel fuel (XTL) are required to ensure that diesel fuel with a maximum fatty acid methyl ester content of 7 % by volume (B7) is also offered. This is necessary to ensure the continuous supply of suitable fuel to vehicles that are not compatible with B10 or XTL diesel. The introduction of the protection grade for B10 diesel transposes Article 3(3)(a) of Directive XXX (reference to amended FQD).

In § 4(5), an exemption from the obligation to offer a protection grade under paragraph (4) is made, in order to relax the rules for delivery points that have placed on the market on average less than 500 cubic metres of diesel fuel over the two preceding calendar years. Taking into account this exemption for small refuelling stations, the supply density remains virtually unchanged for consumers whose vehicles are not compatible with B10 or XTL fuel. Fulfilment of the conditions for the exemption must be demonstrated by the operator by means of appropriate supporting documents to the competent authority.

§ 4 (6) to (9) correspond to § 4(2) to (5) of the 10th BImSchV as currently in force. The permitted sulphur content of 10 mg/kg prescribed in § 4(5) for diesel fuel intended for use in mobile machinery and devices (including inland waterway vessels) and agricultural and forestry tractors and recreational craft reflects the requirements laid down in Article 3(3)(b) of Directive XX (reference to amended FQD).

Point 4

§ 7 is being updated to reflect the latest standards by referencing the current standard, EN 589, April 2022 edition.

Point 5

Paragraph (2) is being deleted as LNG has calorific values equivalent to ‘H’ quality.

Point 6

Letter a

§ 9 (1) is being updated to reflect the latest standards by referencing the current standard, DIN 51605, November 2020 edition.

Letter b

§ 9 (2) is being updated to reflect the latest standards by referencing the current standard, DIN 51623, November 2020 edition.

Point 7

Letter a

§ 9a is being updated to reflect the latest standards by referencing the current standard, DIN EN 17124, December 2022 edition. The standard also reflects the requirements laid down in Regulation EU No XX (reference to AFIR) as set out in point 3.2 of Annex II. The standard will continue to be cited in the 10th BImSchV in order to ensure clarity of the requirements for fuels and to ensure the monitoring of compliance with the requirements in § 18.

Letter b

Standard DIN EN 17124, December 2022 edition, does not define any binding standardised test methods. Following an opinion issued by the DIN Standards Committee Gas Technology (NAGas) on 4 November 2020, reference is being made to the test methods recommended in DIN ISO 21087. This standard accepts any analytical method that satisfies the validation method and the standard measurement uncertainty requirements prescribed in the document.

Point 8

In the second sentence of § 10(2), the reference to the Technical Instructions on Air Quality Control (TA Luft) is being updated.

Point 9

The equivalence clause in § 11 corresponds to the provision in § 11 of the 10th BImSchV as currently in force, taking into account the insertion of § 4(2) and (3) as well as the amendments to § 3 to § 9a.

Point 10

Consequential amendment due to the insertion of § 4(2) to (4) and the renumbering of the subsequent paragraphs.

Point 11

Letter a

In § 13(1), the labelling requirement for vehicle/fuel compatibility laid down in Article 19(1) and (2) in conjunction with Annex II point 10.1 of the Regulation (EU) No XX (reference to AFIR) is being extended to include the existing national requirements in 10th BImSchV as currently in force. In addition, § 13(1) subparagraphs 4 and 5 specify the labelling of B10 and XTL diesel in detail.

Letter b

In § 13(3), the first sentence and the reference therein to DIN EN 16942 are being deleted, as the standard is included in point 10.1 of Annex II to Regulation (EU) No XX (reference to AFIR).

Letter c

In § 13(6), the labelling requirement for vehicle/fuel compatibility laid down in Article 19(1) and (2) in conjunction with point 10.2 of Annex II to Regulation (EU) No XX (reference to AFIR) is being extended to include the existing national requirements in 10th BImSchV as currently in force.

Point 12

Consequential amendment due to the insertion of § 4(2) and (3).

Point 13

In § 15, the labelling requirement for vehicle/fuel compatibility laid down in Article 19(1) and (2) of Regulation (EU) No XX (reference to AFIR) is being extended to include the existing national requirements in 10th BImSchV as currently in force.

Point 14

Letter a

Consequential amendment due to the insertion of § 4(2) and (3).

Letter b

Consequential amendment due to the deletion of § 1(17).

Letter c

Consequential amendment due to the insertion of § 4(2) to (5) and the renumbering of the subsequent paragraphs.

Point 15

Letter a

§ 18 (1) is being adapted editorially to the amendments in § 9a and § 13. The intention is to transpose Article 8(1) and (2) of Directive 98/70/EC on monitoring compliance with the provisions relating to fuel requirements and on establishing a fuel quality monitoring system in accordance with the requirements of the relevant European Standard. The minimum number of samples to be taken for each fuel grade is based on DIN EN 14274, May 2013 edition. With respect to the taking of samples, reference is made to the relevant standards. Standard DIN EN 17124 does not define any binding standardised test methods. Therefore, the DIN Standards Committee Gas Technology (NAGas) was asked to comment. In accordance with their opinion of 4 November 2020, reference is being made to the test methods recommended in DIN ISO 21087 (Table 2) for hydrogen as a fuel. With the February 2019 edition, the DVGW worksheet G 264 has been updated to reflect the current state of science. Autogas sampling is being adjusted by DIN EN ISO 4257, March 2002 edition. Further details are laid down in the General Administrative Regulation on the 10th BImSchV.

Letter b

Consequential amendment due to the insertion of Annex 6 and Annex 7 and the renumbering of the subsequent annexes.

Letter c

Consequential amendment due to the insertion of § 4(2) to (5) and the renumbering of the subsequent paragraphs.

Letter d

Double letter aa

§ 18 (4), first sentence, subparagraph 1 is being updated to reflect the latest standards by referencing the current standard, DIN EN ISO 20846, December 2019 edition.

Double letter bb

§ 18 (4), first sentence, subparagraph 2 is being updated to reflect the latest standards by referencing the current standard, DIN EN ISO 20884, January 2022 edition.

Double letter cc

Consequential amendment due to the adaptation to the latest standards in § 18(4), first sentence, subparagraphs 1 and 2.

Letter e

Double letter aa

The reference is being updated to the labelling of fuels in § 13(4) subparagraph 1.

Double letter bb

§ 18 (5), first sentence, subparagraph 3 is being updated to reflect the latest standards by referencing the current standard, DIN EN ISO 20846, December 2019 edition.

Double letter cc

§ 18 (5), third sentence, subparagraph 2 is being updated to reflect the latest standards by referencing the current standard, DIN EN ISO 20884, January 2022 edition.

Double letter dd

The reference is being updated to the labelling of fuels in § 13. By referencing the current standard, DIN 51444, October 2020 edition, § 18(5) fourth sentence is being updated to reflect the latest standards. In all other respects, the wording of the fourth sentence of § 18(5) corresponds to the fourth sentence of § 18(5) of the 10th BImSchV as currently in force.

Letter f

§ 18(8) requires the competent Land-level authorities to transmit an annual overview of the monitoring results to the Federal Environment Agency electronically via the online data collection tool FQMS-Portal. The intention here is administrative simplification and quality assurance.

Point 16

Letter a

Double letter aa

Triple letter aaa

Consequential amendment due to the insertion of § 4(2) to (5) and the renumbering of the subsequent paragraphs.

Triple letter bbb

Consequential amendment due to the insertion of § 4(2) and (3).

Double letter cc

Consequential amendment due to the insertion of § 4(4).

Double letter dd

Consequential amendment due to the insertion of § 4(2) to (5) and the renumbering of the subsequent paragraphs.

Letter b

In § 20(3), the reference to the Inland Waterway Tasks Act is being updated.

Point 17

Letter a

Annex 6 details the symbols for B10 diesel in accordance with § 4(2). Annex 7 details the symbols for paraffinic diesel in accordance with § 4(3). The symbols for B10 and paraffinic diesel fuels are, according to DIN EN 16942, ‘B10’ and ‘XTL’ respectively.

Letter b

Consequential amendment due to the insertion of the symbol for B10 diesel in Annex 6 and of the symbol for paraffinic diesel fuel in Annex 7, as well as the insertion of § 13(1) subparagraphs 4 and 5 and the renumbering of the subsequent subparagraphs.

Letter c

Consequential amendment due to the insertion of the symbol for B10 diesel in Annex 6 and of the symbol for paraffinic diesel fuel in Annex 7, as well as the insertion of § 13(1) subparagraphs 4 and 5 and the renumbering of the subsequent subparagraphs.

Letter d

Consequential amendment due to the insertion of the symbol for B10 diesel in Annex 6 and of the symbol for paraffinic diesel fuel in Annex 7, as well as the insertion of § 13(1) subparagraphs 4 and 5 and the renumbering of the subsequent subparagraphs.

Letter e

Consequential amendment due to the insertion of the symbol for B10 diesel in Annex 6 and of the symbol for paraffinic diesel fuel in Annex 7, as well as the insertion of § 13(1) subparagraphs 4 and 5 and the renumbering of the subsequent subparagraphs.

Letter f

Consequential amendment due to the insertion of the symbol for B10 diesel in Annex 6 and of the symbol for paraffinic diesel fuel in Annex 7, as well as the insertion of § 13(1) subparagraphs 4 and 5 and the renumbering of the subsequent subparagraphs.

Letter g

Consequential amendment due to the insertion of the symbol for B10 diesel in Annex 6 and of the symbol for paraffinic diesel fuel in Annex 7, as well as the insertion of § 13(1) subparagraphs 4 and 5 and the renumbering of the subsequent subparagraphs.

Letter h

Consequential amendment due to the deletion of ‘(2)’ from § 8(3).

Letter i

Consequential amendment due to the insertion of the symbol for B10 diesel in Annex 6 and of the symbol for paraffinic diesel fuel in Annex 7, as well as the insertion of § 13(1) subparagraphs 4 and 5 and the renumbering of the subsequent subparagraphs.

Letter j

Consequential amendment due to the insertion of the symbol for B10 diesel in Annex 6 and of the symbol for paraffinic diesel fuel in Annex 7, as well as the insertion of § 13(1) subparagraphs 4 and 5 and the renumbering of the subsequent subparagraphs.

Letter k

Consequential amendment due to the insertion of the symbol for B10 diesel in Annex 6 and of the symbol for paraffinic diesel fuel in Annex 7, as well as the insertion of § 13(1) subparagraphs 4 and 5 and the renumbering of the subsequent subparagraphs.

Letter l

Annex 17 corresponds to Annex 16 of the 10th BImSchV as currently in force. By referencing the current standards DIN EN ISO 3104, January 2021 edition, DIN EN ISO 3405, September 2019 edition, DIN EN ISO 3924, December 2019 edition, DIN EN ISO 20846, December 2019 edition, DIN EN ISO 20884, January 2022 edition, and DIN 51444, October 2020 edition, Annex 18 is being updated to reflect the latest standards.

Article 2

This provision lays down the entry into force of the Ordinance. The entry into force of the Ordinance is linked to the entry into force of Regulation (EU) No (reference to AFIR).