

# European Commission taking UK to court over red diesel

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## RYA receives case number from European Commission

The RYA has today (Friday 01 September) received the case number from the European Commission for the long standing infraction proceedings against the UK relating to the continued supply of marked 'red' diesel to pleasure craft.

The European Commission has stated that it has recently taken action pursuant to Article 258 of the Treaty on the functioning of the European union against Ireland (Case 504/17) and the United Kingdom (Case 503/17) as it considers that, by allowing the use of marked fuel for the purposes of propelling private pleasure craft, these Members States have failed to fulfil their obligations under Council Directive 95/60/EC of 27 November 1995 on fiscal marking of gas oils and kerosene (OJ L291, 6.12.1995, p46.).

The UK Government and the European Commission have been in discussions over the continued availability of marked 'red' diesel for use in private pleasure craft in the UK for several years.

The European Commission indicated its intention to commence infraction proceedings against the UK in July 2011. In May 2013 the European Commission formally requested that the UK amend its legislation "to ensure that private pleasure boats such as luxury yachts can no longer buy lower taxed fuel intended for fishing boats" and issued a reasoned opinion to the UK Government, which Her Majesty's Revenue and Customs (HMRC) indicated its intention to challenge in July 2013. As a result, in July 2014, the European Commission indicated that it had decided to refer the UK to the Court of Justice of the European Union.

"Ultimately when the outcome of this case is known, we will also have clarity on the stance Belgium has been taking regarding the use of marked 'red' diesel in pleasure craft", commented Stuart Carruthers, RYA Cruising Manager.

The RYA will continue to monitor this matter closely and will keep boaters informed as the situation progresses.

