European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 94/63/EC

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on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the opinion of the Economic and Social Committee[(2)],

Acting in accordance with the procedure referred to in Article 189b of the Treaty[(3)],

Whereas successive programmes of action of the European Communities on the protection of the environment[(4)] have stressed the importance of preventing and reducing air pollution;

Whereas emissions of volatile organic compounds (VOCs) from petrol and solvents in the Community would be in the order of 10 million tonnes per year if no control measures were taken; whereas VOC emissions contribute to the formation of photochemical oxidants such as ozone, which in high concentrations can impair human health and damage vegetation and materials; whereas some of the VOC emissions from petrol are classified as toxic, carcinogenic or teratogenic;

Whereas on 2 April 1992 the Community signed the Protocol to the 1979 Convention on long range transboundary air pollution concerning the control of emissions of volatile organic compounds (VOCs) or their transboundary fluxes, which provides for a considerable reduction of the VOC emissions;

Whereas a significant step in a strategy for an overall reduction of VOC emissions in the Community was taken by Council Directive 91/441/EEC of 26 June 1991 amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles[(5)] which aims at reducing by some 80 to 90 %, over 10 to 15 years, VOC emissions from tail-pipe exhaust gases and evaporative emissions from motor vehicles, representing some 40 % of the present emissions of man-made VOCs to the atmosphere; whereas, at the time of adoption of that Directive, the Commission was requested to submit a proposal for a Directive on the measures to reduce evaporation losses at every stage in the process of storage and distribution of motor fuels;

Whereas the VOC emissions from the system for storage and distribution of petrol represent some 500 000 tonnes per year or some 5 % of the total emissions of man-made VOCs in

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the Community; whereas these emissions, represent a significant contribution to air pollution especially in urban areas;

Whereas available technologies can ensure a considerable reduction of the evaporative losses in the distribution system for petrol, not least through the recovery of vapours which are displaced;

Whereas, on grounds of international standardization and of safety during the loading of ships, standards must be drawn up at International Maritime Organization level for vapour control and recovery systems to apply to both loading installations and ships; whereas the Community must therefore endeavour to ensure that the necessary provisions are introduced into the Marpol Convention during the current revision of Marpol due to be completed in 1996; whereas in the event that the Marpol Convention is not so revised, the Community, after discussion with its major trading partners, should propose appropriate measures to apply to ships and port installations servicing ships[(6)];

Whereas further action will be needed to reduce the vapour emissions during refuelling operations at service stations, which at present amount so some 200 000 tonnes per year, thereby controlling all vapour emissions during the distribution of petrol;

Whereas, in order to avoid distortion of competition and in order to ensure the operation of the internal market, it is necessary to harmonize certain measures concerning the distribution of petrol on the basis of a high level of environmental protection;

Whereas account should nevertheless be taken of the advantages and burdens which may result from action or the absence of action; whereas it is therefore appropriate to provide for the possibility of derogations and sometimes of exclusions in certain cases; whereas certain Member States should also be given the option of longer periods in which to adapt in order to take account of any major environmental measures of differing kinds which they may already have adopted in this area or of the particular burden imposed by the measures in this Directive owing to the structure of their networks;

Whereas Community action must take account of environmental conditions in the various regions of the Community; whereas in this connection Member States must be able to uphold or impose more stringent measures relating to the evaporative losses from fixed installations throughout their territory or in geographical areas where it is established that such measures are necessary for the protection of human health or the environment because of special conditions;

Whereas the provisions of paragraph 1 of Articles 3, 4 and 6 of this Directive apply without prejudice to Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations;

Whereas it is necessary to introduce harmonized specifications for the equipment for bottom loading of road tankers in order to ensure the possibility of free trade in petrol and equipment within the Community and to ensure a high level of safety; whereas provision should be made for standardizing such specifications and adapting them to technical progress;

Whereas a committee should be set up to assist the Commission in adapting the Annexes to this Directive to technical progress,

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HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

This Directive shall apply to the operations, installations, vehicles and vessels used for storage, loading and transport of petrol from one terminal to another or from a terminal to a service station.

Article 2

Definitions

For the purpose of this Directive:

(a) ‘petrol’ shall mean any petroleum derivative, with or without additives, having a reid vapour pressure of 27,6 kilopascals or more, which is intended for use as a fuel for motor vehicles, except liquefied petroleum gas (LPG);

(b) ‘vapours’ shall mean any gaseous compound which evaporates from petrol;

(c) ‘storage installation’ shall mean any stationary tank at a terminal used for the storage of petrol;

(d) ‘terminal’ shall mean any facility which is used for the storage and loading of petrol onto road tankers, rail tankers, or vessels, including all storage installations on the site of the facility;

(e) ‘mobile container’ shall mean any tank, transported by road, rail or waterways used for the transfer of petrol from one terminal to another or from a terminal to a service station;

(f) ‘service station’ shall mean any installation where petrol is dispensed to motor vehicle fuel tanks from stationary storage tanks;

(g) ‘existing’ petrol storage installations, loading installations, service stations and mobile containers shall mean such installations, service stations and mobile containers which were in operation before the date referred to in Article 10 or for which an individual construction licence or operating licence, where required under national legislation, was granted before the date referred to in Article 10;

(h) ‘new’ in relation to petrol storage installations, loading installations, service stations and mobile containers shall mean such installations, service stations and mobile containers which are not covered by paragraph (g);

(i) ‘throughput’ shall mean the largest total annual quantity of petrol loaded from a storage installation at a terminal or from a service station into mobile containers during the three preceding years;

(j) ‘vapour-recovery unit’ shall mean equipment for the recovery of petrol from vapours including any buffer reservoir systems at a terminal;

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(k) 'vessel' shall mean an inland waterway vessel as defined in Chapter 1 of Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels[7];

(l) 'target reference value' shall mean the guideline given for the overall assessment of the adequacy of technical measures in the Annexes and is not a limit value against which the performance of individual installations, terminals and service stations will be measured;

(m) 'intermediate storage of vapours' shall mean the intermediate storage of vapours in a fixed roof tank at a terminal for later transfer to and recovery at another terminal. The transfer of vapours from one storage installation to another at a terminal shall not be considered as intermediate storage of vapour within the meaning of this Directive;

(n) 'loading installation' shall mean any facility at a terminal at which petrol can be loaded onto mobile containers. Loading installations for road tankers comprise one or more 'gantries';

(o) 'gantry' shall mean any structure at a terminal at which petrol can be loaded on to a single road tanker at any one time.

Article 3

Storage installations at terminals

1 Storage installations shall be designed and operated in accordance with the technical provisions of Annex I.

These provisions are designed to reduce the total annual loss of petrol resulting from loading and storage at each storage installation at terminals to below the target reference value of 0,01 weight by weight (w/w) % of the throughput.

Member States may maintain or require more stringent measures throughout their territory or in geographical areas where it is established that such measures are necessary for the protection of human health or the environment owing to specific conditions.

Member States may adopt technical measures for the reduction of losses of petrol other than those set down in Annex I if such alternative measures are demonstrated to have at least the same efficiency.

Member States shall inform the other Member States and the Commission of any existing measures or of any special measures referred to in this paragraph which they contemplate taking and of their grounds for taking them.

2 The provisions of paragraph 1 shall apply:

a from the date referred to in Article 10 for new installations;

b three years from the date referred to in Article 10 for existing installations if the throughput loaded at a terminal is greater than 50 000 tonnes/year;

c six years from the date referred to in Article 10 for existing installations if the throughput loaded at a terminal is greater than 25 000 tonnes/year;

d nine years from the date referred to in Article 10 for all other existing storage installations at terminals.

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Article 4

Loading and unloading of mobile containers at terminals

1 Loading and unloading equipment shall be designed and operated in accordance with the technical provisions of Annex II.

These provisions are designed to reduce the total annual loss of petrol resulting from loading and unloading of mobile containers at terminals to below the target reference value of 0,005 w/w % of the throughput.

Member States may maintain or require more stringent measures throughout their territory or in geographical areas where it is established that such measures are necessary for the protection of human health or the environment owing to specific conditions.

Member States may adopt technical measures for the reduction of losses of petrol other than those set down in Annex II if such alternative measures are demonstrated to have at least the same efficiency.

Member States shall inform the other Member States and the Commission of any existing measures or of any special measures referred to in this paragraph which they contemplate taking and of their grounds for taking them. The Commission shall verify the compatibility of these measures with the provisions of the Treaty and those of this paragraph.

[[F1]All terminals with loading facilities for road tankers shall be equipped with at least one gantry which meets the specifications for bottom loading equipment laid down in Annex IV. The Commission shall re-examine those specifications at regular intervals and is empowered to adopt delegated acts in accordance with Article 7a amending Annex IV in the light of the result of that re-examination.**]**

2 The provisions of paragraph 1 shall apply:

- a from the date referred to in Article 10 for new terminals for loading onto road tankers, rail tankers and/or vessels;
- b three years from the date referred to in Article 10 for existing terminals for loading onto road tankers, rail tankers and/or vessels if the throughput is greater than 150 000 tonnes/year;
- c six years from the date referred to in Article 10 for existing terminals for loading onto road tankers and rail tankers if the throughput is greater than 25 000 tonnes/year;
- d nine years from the date referred to in Article 10 for all other existing loading installations at terminals for loading onto road tankers and rail tankers.

3 Nine years after the date referred to in Article 10 the requirements for bottom-loading equipment set in Annex IV shall apply to all road tanker loading gantries at all terminals unless exempted under the terms of paragraph 4.

4 By way of derogation, paragraphs 1 and 3 shall not apply:

- a to existing terminals with a throughput of less than 10 000 tonnes/year and;
- b to new terminals with a throughput of less than 5 000 tonnes/year located in small remote islands.

[[F2]Member States shall inform the Commission of terminals concerned by such a derogation.**]**