


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2008/0229(COD) Procedure completed
Petrol vapour recovery during refuelling of passenger cars at service stations, Stage II See also Directive 94/63/EC 1992/0425(COD)	
Subject 3.60.02 Oil industry, motor fuels 3.70.02 Atmospheric pollution, motor vehicle pollution	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety		12/01/2009
		GUE/NGL PAPADIMOULIS Dimitrios	
	Committee for opinion	Rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Competitiveness (Internal Market, Industry, Research and Space)	2963	24/09/2009
European Commission	Commission DG	Commissioner	
	Environment	DIMAS Stavros	

Key events			
04/12/2008	Legislative proposal published	COM(2008)0812	Summary
15/12/2008	Committee referral announced in Parliament, 1st reading/single reading		
31/03/2009	Vote in committee, 1st reading/single reading		Summary
02/04/2009	Committee report tabled for plenary, 1st reading/single reading	A6-0208/2009	
05/05/2009	Results of vote in Parliament		
05/05/2009	Decision by Parliament, 1st reading/single reading	T6-0341/2009	Summary
24/09/2009	Act adopted by Council after Parliament's 1st reading		
21/10/2009	Final act signed		
21/10/2009	End of procedure in Parliament		
31/10/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0229(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	See also Directive 94/63/EC 1992/0425(COD)
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/70795

Documentation gateway					
Legislative proposal		COM(2008)0812	04/12/2008	EC	Summary
Document attached to the procedure		SEC(2008)2937	04/12/2008	EC	
Document attached to the procedure		SEC(2008)2938	04/12/2008	EC	
Committee draft report		PE418.392	26/01/2009	EP	
Amendments tabled in committee		PE421.212	03/03/2009	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0208/2009	02/04/2009	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0341/2009	05/05/2009	EP	Summary
Economic and Social Committee: opinion, report		CES0878/2009	13/05/2009	ESC	
Commission response to text adopted in plenary		SP(2009)3616	07/07/2009	EC	
Draft final act		03669/2009/LEX	21/10/2009	CSL	
Follow-up document		SWD(2017)0065	28/02/2017	EC	
Follow-up document		SWD(2017)0066	28/02/2017	EC	
Follow-up document		COM(2017)0118	07/03/2017	EC	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Directive 2009/126 OJ L 285 31.10.2009, p. 0036 Summary

2008/0229(COD) - 04/12/2008 Legislative proposal

PURPOSE: to lay down measures aimed at reducing the amount of petrol vapour emitted to the atmosphere during the refuelling of motor vehicles at service stations.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: the emissions of volatile organic compounds contained in petrol contribute to local and regional air quality problems (benzene and ozone) for which Community air quality standards and objectives exist. Ground level ozone is a pollutant which crosses national borders and is

also the third most important greenhouse gas. Benzene is a known human carcinogen.

This legislative proposal aims at recovering petrol vapour which is emitted to the atmosphere during the refuelling of passenger cars at service stations (so called "Stage II Petrol Vapour Recovery or PVR").

The proposal has been prepared following commitments made by the College in:

- I. the [Thematic Strategy on Air Pollution](#);
- II. the Commission's [proposal](#) to amend Directive 98/70/EC on petrol and diesel quality which aims to facilitate a greater uptake of biofuels and bioethanol in particular by relaxing the vapour pressure requirements of petrol;
- III. a statement accompanying a [new directive](#) on ambient air quality in which the Commission recognised the importance of tackling air pollution at source in order to attain air quality objectives and which proposed several new Community source-based measures including Stage II PVR.

The proposal:

- would oblige the installation of Stage II petrol vapour recovery equipment at new and refurbished stations above 500m³ throughput per annum of petrol;
- require retrofitting of existing stations with a throughput above 3000 m³ by 2020;
- require all new or substantially refurbished stations situated under residential accommodation to equip with Stage II controls irrespective of size;
- no obligation to install automatic monitoring of Stage II PVR equipment but permit a longer period between inspections if it is installed.

2008/0229(COD) - 31/03/2009 Vote in committee, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report drawn up by Dimitrios PAPADIMOULIS (GUE/NGL, EL) amending, under the first reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of passenger cars at service stations.

The main amendments are as follows:

Definition of petrol: the committee states that 'petrol' means petrol as defined in Article 2(a) of Directive 1994/63/EC, as opposed to Article 2(1) of Directive 98/70/EC. Members note that Definition must be the same as in Stage I PVR directive. As the two legal instruments will apply simultaneously to the same service station it is important that there is consistency in the legal approach.

Service stations: all service stations situated under permanent living quarters or working areas which undergo a major refurbishment shall be equipped with a Stage II petrol vapour recovery system at the time of the refurbishment irrespective of their actual or intended throughput.

Member States shall ensure that any existing service station with a throughput in excess of 3000 m³ per annum shall be equipped with a Stage II petrol vapour recovery system by no later than 31 December 2018 (rather than 2020).

The committee stipulates that, by way of derogation, provisions on service stations shall not apply to service stations associated with the construction and delivery of new vehicles.

Minimum permitted level of petrol vapour recovery: hydrocarbon capture efficiency of a Stage II petrol vapour recovery system must be equal to or greater than 90 % (rather than 85%).

Periodic inspection and compliance: service station operators shall record details of all maintenance, inspections and testing, installation and repair work carried out for Stage II controls.

Furthermore, Members consider that when a service station has installed a Stage II petrol vapour recovery system, the operator of the service station shall display a sign, sticker or other notification to the effect that the service station is fitted with Stage II petrol vapour recovery equipment.

Penalties: information on infringements of the provisions of this Directive shall be made public.

Reporting and review: Member States shall report to the Commission on the implementation of this Directive within 24 months of the date of transposition and every 3 years thereafter. On the basis of these reports the Commission shall review the Directive considering especially the establishment of harmonised methods to measure the hydrocarbon capture efficiency.

Transposition and application: the deadline for these was brought forward by 1 year (to 2011).

2008/0229(COD) - 05/05/2009 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted 598 votes to 13, with 15 abstentions a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of passenger cars at service stations.

The amendments are the result of a compromise between Parliament and Council.

The main amendments are as follows:

Definition of petrol: the compromise text provides that 'petrol' means petrol as defined in Article 2(a) of Directive 1994/63/EC, as opposed to Article 2(1) of Directive 98/70/EC. As the two legal instruments will apply simultaneously to the same service station it is important that there is consistency in the legal approach.

Service stations: the compromise text states that any new service station shall be equipped with a Stage II petrol vapour recovery system if,

inter alia, its actual or intended throughput is greater than 100 m³ per annum and it is situated under permanent living quarters or working areas.

Furthermore, any existing service station which undergoes a major refurbishment shall be equipped with a Stage II petrol vapour recovery system at the time of the refurbishment if: its actual or intended throughput is greater than 500 m³ per annum; or if it is greater than 100 m³ per annum and it is situated under permanent living quarters or working areas.

Any existing service station with a throughput in excess of 3000 m³ per annum shall be equipped with a Stage II petrol vapour recovery system by no later than 31 December 2018.

Lastly, and by way of derogation, these provisions will not apply to service stations exclusively used in association with the construction and delivery of new motor vehicles, since the fuel tanks of newly-manufactured motor vehicles contain no petrol vapour.

Minimum permitted level of petrol vapour recovery: Member States shall ensure, with effect from the date on which Stage II petrol vapour recovery systems are mandatory, that the petrol vapour capture efficiency of such systems is equal to or greater than 85 % as certified by the manufacturer in accordance with relevant European technical standards or type approval procedures or, if there are no such standards or procedures, with any relevant national standard.

Periodic checks: the in-service petrol vapour capture efficiency of Stage II petrol vapour recovery systems must be tested at least once per annum either by checking that the vapour/petrol ratio under simulated petrol flow conditions is in conformity with the provisions in the legislation or by any other appropriate methodology.

In addition, when a service station has installed a Stage II petrol vapour recovery system, it must display a sign, sticker or other notification, on or in the vicinity of the petrol dispenser, informing consumers of that fact.

Review: the Commission shall, by 31 December 2014, review the implementation of this Directive and, in particular:

- the 100 m³ threshold referred to above;
- the in-service compliance record of Stage II petrol vapour recovery systems; and
- the need for automatic monitoring equipment.

Harmonised methods: the Commission should be empowered to adopt implementing measures concerning harmonised methods and standards in accordance with the regulatory procedure with scrutiny

Transposition: 1 January 2012 at the latest.

2008/0229(COD) - 21/10/2009 Final act

PURPOSE: to reduce harmful emissions at service stations.

LEGISLATIVE ACT: Directive 2009/126/EC of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations

CONTENT: following a first reading agreement with the European Parliament, the Council adopted this directive that will decrease harmful emissions from petrol vapour at service stations. The Directive obliges numerous filling stations to install equipment recovering harmful gases that escape when refuelling cars and other vehicles.

It defines 'Stage II petrol vapour recovery system' as equipment aimed at recovering the petrol vapour displaced from the fuel tank of a motor vehicle during refuelling at a service station and which transfers that petrol vapour to a storage tank at the service station or back to the petrol dispenser for resale.

The main points of the Directive are as follows:

Service stations: the Directive states that any new service station (built on 1 January 2012 and after) shall be equipped with a Stage II petrol vapour recovery system if:

- its actual or intended throughput is greater than 500 m³ /year; or
- its actual or intended throughput is greater than 100 m³ /year and it is situated under permanent living quarters or working areas.

Furthermore, any existing service station which undergoes a major refurbishment must be equipped with a Stage II petrol vapour recovery system at the time of the refurbishment if:

- its actual or intended throughput is greater than 500 m³ /year; or
- its actual or intended throughput is greater than 100 m³ /year and it is situated under permanent living quarters or working areas.

Any existing service station with a throughput in excess of 3 000 m³ /year shall be equipped with a Stage II petrol vapour recovery system by no later than 31 December 2018.

By way of derogation these provisions will not apply to service stations exclusively used in association with the construction and delivery of new motor vehicles.

Minimum level of petrol vapour recovery: with effect from the date on which Stage II petrol vapour recovery systems become mandatory, the petrol vapour capture efficiency of such systems must be equal to or greater than 85 % as certified by the manufacturer in accordance with relevant European technical standards or type approval procedures referred to in the Directive or, if there are no such standards or procedures, with any relevant national standard.

With effect from the date on which Stage II petrol vapour recovery systems become mandatory, where the recovered petrol vapour is transferred to a storage tank at the service station, the vapour/petrol ratio shall be equal to or greater than 0,95 but less than or equal to 1,05.

Periodic checks and consumer information: Member States shall ensure that the in-service petrol vapour capture efficiency of Stage II petrol vapour recovery systems is tested at least once each year either by checking that the vapour/petrol ratio under simulated petrol flow conditions

is in conformity with the provisions of the Directive or by any other appropriate methodology.

When a service station has installed a Stage II petrol vapour recovery system, it must display a sign, sticker or other notification on, or in the vicinity of, the petrol dispenser, informing consumers of that fact. Review

Review: the Commission shall, by 31 December 2014, review the implementation of the Directive and, in particular:

- the 100 m³/year threshold referred to in this Directive and Article 6(3) of Directive 94/63/EC;
- the in-service compliance record of Stage II petrol vapour recovery systems; and
- the need for automatic monitoring equipment.

It shall report the results of that review to the European Parliament and to the Council accompanied, if appropriate, by a legislative proposal.

Technical adaptations: the Commission is empowered to adopt certain implementing measures on harmonised standards in accordance with the regulatory procedure with scrutiny.

ENTRY INTO FORCE: 31/10/2009.

APPLICATION: from 01/01/2012.

2008/0229(COD) - 07/03/2017 Follow-up document

This report from the Commission focuses on the results of the implementation review and follow-up to the evaluation of Directive 2009/126/EC (VOC-II) on petrol vapour recovery during refuelling of motor vehicles at service stations.

The VOC-II Directive ensures the recovery of harmful petrol vapour that would otherwise be emitted during the refuelling of a motor vehicle at a service station.

The Directive requires new service stations that have an annual throughput of over 500 m³ of petrol, and service stations with an annual throughput of over 100 m³ that are located under living accommodation, to install stage II petrol vapour recovery (PVR) systems. Large service stations (with an annual throughput in excess of 3?000 m³) must install PVR systems by the end of 2018.

The Directive was evaluated in the context of the Commissions Regulatory Fitness and Performance (REFIT) programme on the basis of its effectiveness, efficiency, relevance, coherence and EU added value. Particular attention was paid to detecting and assessing regulatory burden and identifying opportunities for simplification.

The main observations are as follows:

1) Implementation of the VOC-II Directive: the report states that the Directive has been transposed into national law by all Member States, albeit with a delay in some cases. It is generally well implemented by Member States.

In the EU, 72% of all service stations are currently fitted with stage II systems, but the situation varies significantly across Member States.

The consultation showed that stakeholders generally accepted the 100 m³ threshold as appropriate. The Commission considers that lowering the threshold would not currently be justified given the scale of potential emission reductions and the additional cost involved.

The assessment showed that commercially available equipment could achieve vapour recovery efficiency of 85 to 95%. It noted that generally, equipment was found to work according to the minimum standard obligations. The analysis also highlighted the importance of routine (at least annual) tests.

The potential for additional emission reductions from the generalised use of automatic monitoring systems throughout the EU appears to be limited. The voluntary approach allowed industry or Member States to adopt such systems where it was deemed useful.

2) Evaluation of the VOC-II directive: the Directive was found to be effective, efficient, coherent and relevant, and to have EU added value. The evaluation showed that:

- the Directive has been effective in contributing to the reduction in VOC emissions from petrol during the refuelling of motor vehicles at service stations. Today, the activities covered by [Directive 94/63/EC](#) concerning emissions of volatile organic compounds (VOC) from the storage of petrol and distribution from terminals to service stations (the VOC-I Directive) and VOC-II Directives contribute only 0.7% of all anthropogenic VOC emissions in the EU;
- with regard to efficiency, it was not possible to conduct a robust cost-benefit analysis due to the limited amount of data available. The available data suggest that the costs are largely proportionate to the benefits:
 - I. savings resulting from reduced harmful effects on health and the environment have been estimated between EUR 92 to EUR 270m, whereas estimated financial benefits resulting from the sales of recovered petrol were estimated EUR 77m;
 - II. annual costs for capital and maintenance have been estimated EUR 199m, and administration and compliance cost EUR 13m;
- the provisions of the Directive are coherent with other Union legislation, and the Directive remains relevant as a response to environmental and health threats, as well as in relation to the clean air policy objectives established in the [7th Environment Action Programme](#) and the clean air policy package;
- with regard to the obligation to display a sign, sticker or other notification in the vicinity of petrol dispensers with PVR equipment, the evaluation concluded that legislative change may be more burdensome than simplification;
- lastly, the Directive has contributed to a common level of EU regulation and has stimulated cross-border trade in petrol and equipment.

The Commission will continue to cooperate with Member States to assist them in ensuring full implementation of the Directive.