

Directive 2009/126/EC of the European Parliament and of  
the Council of 21 October 2009 on Stage II petrol vapour  
recovery during refuelling of motor vehicles at service stations

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PARLIAMENT AND OF THE COUNCIL

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on Stage II petrol vapour recovery during  
refuelling of motor vehicles at 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 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(2)</sup>,

Whereas:

- (1) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme<sup>(3)</sup> established the need to reduce air pollution to levels which minimise harmful effects on human health and the environment.
- (2) The Geneva Protocol on the control of emissions of volatile organic compounds or their transboundary fluxes sets emission reduction targets for volatile organic compounds (VOCs) and the Gothenburg Protocol to abate acidification, eutrophication and ground-level ozone<sup>(4)</sup> sets emission ceilings for four pollutants — sulphur dioxide, nitrogen oxides, VOCs and ammonia — and requires best available techniques to be used to keep emissions down.
- (3) Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe<sup>(5)</sup> lays down air quality objectives for ground-level ozone and benzene and Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants<sup>(6)</sup> lays down national emission ceilings for VOCs which contribute to the formation of ground-level ozone. Emissions of VOCs, including petrol vapour, in one Member State can contribute to air quality problems in other Member States.
- (4) Ozone is also a greenhouse gas and contributes to atmospheric warming and climate change.

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- (5) Directive 94/63/EC of the European Parliament and of the Council 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<sup>(7)</sup> (Stage I petrol vapour recovery) aims to recover petrol vapour emitted from the storage and distribution of petrol between oil terminals and service stations.
- (6) Petrol vapour is also emitted during the refuelling of motor vehicles at service stations and should be recovered in a manner consistent with the provisions of Directive 94/63/EC.
- (7) Various Community instruments have been developed and implemented to limit VOC emissions. However, further action is necessary to achieve the objectives for health and the environment established in the Sixth Community Environmental Action Programme and Directive 2001/81/EC.
- (8) With a view to reducing lifecycle greenhouse gas emissions from road transport fuels, 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<sup>(8)</sup> will, from 1 January 2011, permit the placing on the market of petrol containing a larger proportion of biofuel components than was previously the case. This may lead to an increase in VOC emissions, because of the possibility for Member States to implement limited derogations from the vapour pressure requirements of that Directive.
- (9) Existing service stations may need to adapt existing infrastructure and it is preferable to install vapour recovery equipment when they undergo major refurbishment of the fuelling system (that is to say, significant alteration or renewal of the station infrastructure, particularly tanks and pipes), since this significantly reduces the cost of the necessary adaptations. However, larger existing stations are better able to adapt and should install petrol vapour recovery earlier, given that they make a greater contribution to emissions. New service stations can integrate petrol vapour recovery equipment during the design and construction of the service station and can therefore install such equipment immediately.
- (10) The fuel tanks of newly manufactured motor vehicles contain no petrol vapour. A derogation is therefore appropriate for the first fuelling of such vehicles.
- (11) Although several Member States have national requirements concerning Stage II petrol vapour recovery systems, there is no Community legislation. Therefore, it is appropriate to establish a uniform minimum level of petrol vapour recovery in order to deliver a high level of environmental benefit and to facilitate trade in petrol vapour recovery equipment.
- (12) Periodic checks of all installed Stage II petrol vapour recovery equipment should be performed in order to ensure that petrol vapour recovery equipment produces real reductions in emissions. Member States may decide that checks are to be performed by one or more of the following: official inspection services, the operator itself or a third party. In the case of official inspections, Member States should have regard to Recommendation 2001/331/EC of the European Parliament and of the Council of

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- 4 April 2001 providing for minimum criteria for environmental inspections in the Member States<sup>(9)</sup>.
- (13) Stage II petrol vapour recovery equipment should be tested regularly. The European Committee for Standardisation (CEN) should be encouraged to develop a harmonised testing methodology.
- (14) Member States should lay down rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive, since non-compliance can result in damage to human health and the environment.
- (15) In accordance with point 34 of the Interinstitutional Agreement on better law-making<sup>(10)</sup>, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.
- (16) Since it is adopted pursuant to Article 175 of the Treaty, this Directive does not prevent Member States from maintaining or introducing more stringent protective measures that are compatible with the Treaty. Pursuant to Article 176 of the Treaty, Member States are to notify the Commission of any such measures.
- (17) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(11)</sup>.
- (18) In particular, the Commission should be empowered to adopt implementing measures concerning harmonised methods and standards. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, inter alia, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (19) Since the objective of this Directive, namely to reduce emissions of petrol vapour to the atmosphere, cannot be sufficiently achieved by the Member States and can therefore, due to the transboundary nature of air pollution, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) Opinion of 13 May 2009 (not yet published in the Official Journal).
- (2) Opinion of the European Parliament of 5 May 2009 (not yet published in the Official Journal) and Council Decision of 24 September 2009.
- (3) [OJ L 242, 10.9.2002, p. 1.](#)
- (4) [OJ L 179, 17.7.2003, p. 3.](#)
- (5) [OJ L 152, 11.6.2008, p. 1.](#)
- (6) [OJ L 309, 27.11.2001, p. 22.](#)
- (7) [OJ L 365, 31.12.1994, p. 24.](#)
- (8) [OJ L 350, 28.12.1998, p. 58.](#)
- (9) [OJ L 118, 27.4.2001, p. 41.](#)
- (10) [OJ C 321, 31.12.2003, p. 1.](#)
- (11) [OJ L 184, 17.7.1999, p. 23.](#)