

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

Article 1 **U.K.**

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 **U.K.**

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⁽¹⁾;
- (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 **U.K.**

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.

Article 4 **U.K.**

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.]

5 The Kingdom of Spain may grant a derogation of one year from the time limit set down in paragraph 2 (b).

Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union \(Text with EEA relevance\)](#).
- F2** Substituted by [Decision \(EU\) 2018/853 of the European Parliament and of the Council of 30 May 2018 amending Regulation \(EU\) No 1257/2013 and Directives 94/63/EC and 2009/31/EC of the European Parliament and of the Council and Council Directives 86/278/EEC and 87/217/EEC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC](#).

Article 5 **U.K.**

Mobile containers

1 Mobile containers shall be designed and operated in accordance with the following requirements:

- a mobile containers shall be designed and operated so that residual vapours are retained in the container after unloading of petrol;
- b mobile containers which supply petrol to service stations and terminals shall be designed and operated so as to accept and retain return vapours from the storage installations at the service stations or terminals. For rail tankers this is only required if they supply petrol to service stations or to terminals where intermediate storage of vapours is used;
- c except for release through the pressure relief valves, the vapours mentioned in subparagraphs (a) and (b) shall be retained in the mobile container until reloading takes place at a terminal.

If after the unloading of petrol the mobile container is subsequently used for products other than petrol, in so far as vapour recovery or intermediate storage of vapours is not possible, ventilation may be permitted in a geographical area where emissions are unlikely to contribute significantly to environmental or health problems;

- d the Member States' competent authorities must ensure that road tankers are regularly tested for vapour tightness and that vacuum/pressure valves on all mobile containers are periodically inspected for correct functioning.

2 The provisions of paragraph 1 shall apply:

- a from the date referred to in Article 10 for new road tankers, rail tankers and vessels;
- b three years from the date referred to in Article 10 for existing rail tankers and vessels if loaded at a terminal to which the requirement of Article 4 (1) applies;
- c for existing road tankers when retrofitted for bottom loading in accordance with the specifications laid down in Annex IV.

3 By way of derogation, the provisions of paragraph 1, subparagraphs (a), (b) and (c) shall not apply to losses of vapours resulting from measuring operations using dipsticks in relation to:

- a existing mobile containers; and

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- b new mobile containers which come into operation during the four years following the date referred to in Article 10.

Article 6 U.K.

Loading into storage installations at service stations

1 Loding and storage equipment shall be designed and operated in accordance with the technical provisions of Annex III.

These provisions are designed to reduce the total annual loss of petrol resulting from loading into storage installations at service stations to below the target reference value of 0,01 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 III 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 service stations;
 - b three years from the date referred to in Article 10:
 - for existing service stations with a throughput greater than 1 000 m³/year,
 - for existing service stations, regardless of their throughput, which are located under permanent living quarters or working areas;
 - c six years from the date referred to in Article 10 for existing service stations with a throughput greater than 500 m³/year;
 - d nine years from the date referred to in Article 10 for all other existing service stations.

3 By way of derogation, paragraphs 1 and 2 shall not apply to service stations with a throughput of less than 100 m³/year.

4 For service stations with an annual throughput of less than 500 m³/year, Member States may grant a derogation from the requirements of paragraph 1 where the service station is located in a geographical area or on a site where vapour emissions are unlikely to contribute significantly to environmental or health problems.

[^{F2}Member States shall inform the Commission of the details of the areas within which they intend to grant such derogation and subsequently of any changes to such areas.]

5 The Kingdom of the Netherlands may grant a derogation from the timetable set down in paragraph 2, subject to the following conditions:

- the measures required by this Article are implemented as part of a broader, existing national programme for service stations which simultaneously addresses various environmental problems, such as water pollution, air pollution, ground pollution and waste pollution and the implementation of which is tightly scheduled,

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- the timetable may only be varied by a maximum of two years, all programmes being completed within the time limit set out in paragraph 2 (d),
 - the Commission shall be notified of the decision to diverge from the timetable set down in paragraph 2, including full information on the scope and deadline of the derogation.
- 6 The Kingdom of Spain and the Portuguese Republic may grant a derogation of one year from the time limit set down in paragraph 2 (b).

Textual Amendments

- F2** Substituted by [Decision \(EU\) 2018/853 of the European Parliament and of the Council of 30 May 2018 amending Regulation \(EU\) No 1257/2013 and Directives 94/63/EC and 2009/31/EC of the European Parliament and of the Council and Council Directives 86/278/EEC and 87/217/EEC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC](#).

[^{F1}Article 7 **U.K.**

Adaptation to technical progress

The Commission is empowered to adopt delegated acts in accordance with Article 7a amending the Annexes to adapt them to technical progress, with the exception of the limit values laid down in point 2 of Annex II.]

Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union \(Text with EEA relevance\)](#).

[^{F3}Article 7a **U.K.**

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 4(1) and Article 7 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 4(1) and Article 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽²⁾.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 4(1) and Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.]

Textual Amendments

- F3** Inserted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).

^{F4}Article 8 U.K.

[^{F4}[^{F5}The committee]]

Textual Amendments

- F4** Deleted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).
- F5** Substituted by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.

[^{F2}Article 9 U.K.

Monitoring and reporting

The Commission is invited to submit with its reports, where appropriate, proposals for the amendment of this Directive, including in particular the extension of the scope to include vapour control and recovery systems for loading installations and ships.]

Textual Amendments

- F2** Substituted by Decision (EU) 2018/853 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) No 1257/2013 and Directives 94/63/EC and 2009/31/EC of the

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European Parliament and of the Council and Council Directives 86/278/EEC and 87/217/EEC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC.

Article 10 **U.K.**

Transposition into national legislation

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1995. They shall forthwith inform the Commission thereof.

When these measures are adopted by Member States, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2 Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 11 **U.K.**

Final provision

This Directive is addressed to the Member States.

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- (1) OJ No L 301, 28.10.1982, p. 1.
- (2) [^{F3}OJ L 123, 12.5.2016, p. 1.]

Textual Amendments

- F3** Inserted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).