

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

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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<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Acting in accordance with the procedure referred to in Article 189b of the Treaty<sup>(3)</sup>,

Whereas successive programmes of action of the European Communities on the protection of the environment<sup>(4)</sup> 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<sup>(5)</sup> 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<sup>(6)</sup>;

Whereas further action will be needed to reduce the vapour emissions during refuelling operations at service stations, which at present amount to 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:

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- (1) OJ No C 227, 3.9.1992, p. 3 and OJ No C 270, 6.10.1993, p. 12.
- (2) OJ No C 73, 15.3.1993, p. 6.
- (3) Opinion of the European Parliament of 24 June 1994 (OJ No C 194, 19.7.1993, p. 325), Council common position of 4 October 1993 (not yet published in the Official Journal) and Decision of the European Parliament of 9 March 1994 (OJ No C 91, 28.3.1994, p. 82). Confirmed on 2 December 1994 (OJ No C 342, 20.12.1993, p. 15). Joint text of the Conciliation Committee of 8 November 1994.
- (4) OJ No C 112, 20.12.1973, p. 1, OJ No C 139, 13.6.1977, p. 1; OJ No C 46, 17.2.1983, p. 1 and OJ No C 328, 7.12.1987, p. 1.
- (5) OJ No L 242, 30.8.1991, p. 1.
- (6) OJ No L 109, 26.4.1983, p. 8. Directive as last amended by Commission Decision 92/400/EEC (OJ No L 221, 6.8.1992, p. 55).