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*****I**

REPORT

on 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
(COM(2008)0812 – C6-0470/2008 – 2008/0229(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Dimitrios Papadimoulis

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on 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 (COM(2008)0812 – C6-0470/2008 – 2008/0229(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0812),
 - having regard to Article 251(2) and Article 175 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0470/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0208/2009),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Proposal for a directive

Title

Text proposed by the Commission

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

Amendment

Proposal for a directive of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of *motor vehicles* at service stations

Justification

To be in line with Article 1 of the Directive

Amendment 2

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The Geneva Protocol on the Control of Emissions of Volatile Organic Compounds or Their Transboundary Fluxes sets emission reduction targets for volatile organic compounds and the Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-level Ozone sets emission ceilings for four pollutants - sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia - and requires best available techniques to be used to keep emissions down.

Justification

The Geneva Protocol and the Gothenburg Protocol to the 1979 United Nations Economic Commission for Europe (UNECE) Convention on Long Range Transboundary Air Pollution are two of the main legislative commitments for the introduction of stage II controls.

Amendment 3

Proposal for a directive Recital 2

Text proposed by the Commission

Amendment

(2) 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 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 lays down national emission ceilings for volatile organic compounds which contribute to the formation of ground level ozone. Whereas the emissions of volatile organic compounds, including petrol vapour, in one Member State

(2) 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 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 lays down national emission ceilings for volatile organic compounds which contribute to the formation of ground level ozone ***and photochemical smog***. Whereas the emissions of volatile organic compounds, ***classified as toxic and***

contribute to air quality problems in other Member States.

carcinogenic, including petrol vapour, in one Member State contribute to air quality problems in other Member States.

Justification

To be in line with Directive 94/63/EC.

Amendment 4

**Proposal for a directive
Recital 2 a (new)**

Text proposed by the Commission

Amendment

(2a) Ozone is the third most significant greenhouse gas after carbon dioxide and methane in terms of causing atmospheric warming and climate change and having detrimental effects on human health, vegetation and building materials.

Justification

In sunny, still conditions and in the presence of nitrogen oxides, volatile organic compounds emissions react to form ground level ozone, which harms human health, vegetation and building materials.

Amendment 5

**Proposal for a directive
Recital 4**

Text proposed by the Commission

Amendment

(4) Petrol vapour is also emitted during the refuelling of **passenger cars** at service stations and should be recovered in a manner consistent with the provisions of Directive 94/63/EC.

(4) 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.

Justification

To be in line with the Title and Article 1 of the Directive.

Amendment 6

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Despite the fact that various Community instruments have been developed and implemented to limit VOC emissions, the impacts of those instruments on air pollution as assessed by the Commission Communication of 21 September 2005 entitled "Thematic Strategy on air pollution" are still insignificant and the long-term objectives for health and the environment, as established in the Sixth Community Environmental Action Programme and Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants¹, will not be attained on the basis of current policies by 2020.

¹ OJ L 309, 27.11.2001, p. 22.

Justification

The Thematic Strategy proposed several measures to help deliver further progress towards the long term objectives including additional controls on the refuelling of motor vehicles at service stations.

Amendment 7

Proposal for a directive Recital 6

Text proposed by the Commission

Amendment

(6) 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.

(6) Petrol vapour emitted during the refuelling of motor vehicles is currently unregulated at Community level although several Member States have Stage II petrol vapour recovery regulations in place. 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.

Justification

The national regulations vary in scope particularly in terms of the minimum size of petrol station covered, the required vapour collection efficiency and the post-installation compliance regime.

Amendment 8

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Periodic inspections of all installed stage II petrol vapour recovery equipment should be performed in order to ensure that petrol vapour recovery equipment delivers real emissions reductions.

Amendment

(7) Periodic inspections of all installed stage II petrol vapour recovery equipment should be performed in order to ensure that petrol vapour recovery equipment delivers real emissions reductions. ***Member States should ensure that inspections are performed in compliance with Recommendation 2001/331/EC of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States¹.***

¹ OJ L 118, 27.4.2001, p. 46.

Justification

Good inspections play a significant role for the success of this Directive. It is therefore necessary that the provisions from Recommendation 2001/331/EC will be applied.

Amendment 9

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Stage II petrol vapour recovery equipment should be tested regularly and

tests should include both the effectiveness of vapour recovery at the dispenser as well as over-pressurisation and vapour containment of the entire Stage II petrol vapour recovery system.

Justification

All vapour recovery equipment should be properly maintained so that it is leak-free and vapour -tight.

Amendment 10

**Proposal for a directive
Recital 8**

Text proposed by the Commission

(8) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.

Amendment

(8) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive, ***since non-compliance can result in damage to human health and the environment. Information on infringements of the provisions of this Directive should be made public.***

Justification

A workable and transparent procedure should be established on sanctions for non-compliance. Furthermore, the "name and shame" system shall ensure compliance with the rules laid down in this Directive.

Amendment 11

**Proposal for a directive
Article 2 - paragraph 1**

Text proposed by the Commission

1. 'petrol' means petrol as defined in Article 2(1) of Directive 98/70/EC of the European Parliament and of the Council¹;

¹ OJL 350, 28.12.1998, p. 58

Amendment

1. 'petrol' means petrol as defined in Article 2(a) of Directive 1994/63/EC of the European Parliament and of the Council¹;

¹ OJL 365, 31.12.1994, p. 24

Justification

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.

Amendment 12

Proposal for a directive Article 3 - paragraph 2

Text proposed by the Commission

2. Member States shall ensure that any existing service station with a throughput greater than 500 m³ per annum which undergoes a major refurbishment shall be equipped with a Stage II petrol vapour recovery system at the time of the refurbishment.

Amendment

2. Member States shall ensure that any existing service station with a throughput greater than 500 m³ per annum which undergoes a major refurbishment shall be equipped with a Stage II petrol vapour recovery system at the time of the refurbishment. ***However, 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.***

Justification

To be consistent with paragraph 1.

Amendment 13

Proposal for a directive Article 3 - paragraph 3

Text proposed by the Commission

3. Member States shall ensure that ***an*** 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 **2020**.

Amendment

3. 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**.

Amendment 14

Proposal for a directive Article 3 - paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By way of derogation, paragraphs 1 to 3 shall not apply to service stations associated with the construction and delivery of new vehicles.

Justification

The proposed definition includes automotive manufacturers for the initial fill of fuel tanks. As these tanks are new and have not previously contained petrol, no vapour will be displaced therefore the significant additional cost of vapour recovery equipment would not reduce the VOC emissions at all. Other non-retail sites will fall under the proposed volumetric limits and so not be affected by the legislation.

Amendment 15

Proposal for a directive Article 4 - paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that the hydrocarbon capture efficiency of a Stage II petrol vapour recovery system is equal to or greater than **85%**.

1. Member States shall ensure that the hydrocarbon capture efficiency of a Stage II petrol vapour recovery system is equal to or greater than **90 %**.

Amendment 16

Proposal for a directive Article 5 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Service station operators shall record details of all maintenance, inspections and testing, installation and repair work carried out for Stage II controls.

Justification

So as to fully verify the proper functioning of the Stage II system.

Amendment 17

Proposal for a directive

Article 5 - paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. 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.

Justification

It goes without saying that a certificate must be posted at the service station to show that it is equipped with the Stage II petrol vapour recovery system.

Amendment 18

Proposal for a directive

Article 6

Text proposed by the Commission

Amendment

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by the date specified in the first subparagraph of Article 7(1) at the latest and shall notify it without delay of any subsequent amendment affecting them.

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. ***Information on infringements of the provisions of this Directive shall be made public.*** Member States shall notify those provisions to the Commission by the date specified in the first subparagraph of Article 7(1) at the latest and shall notify it without delay of any subsequent amendment affecting them.

Justification

A workable and transparent procedure should be established on sanctions for non-compliance. Furthermore, the "name and shame" system shall ensure compliance with the rules laid down in this Directive.

Amendment 19

Proposal for a directive
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Reporting and review

Member States shall report to the Commission on the implementation of this Directive within 24 months of the date referred to Article 7(1) and every three 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.

Justification

Member States already report on the implementation of Stage I petrol vapour recovery. The variety of measuring methods may lead to incoherent implementation of this Directive. The Commission shall consider introducing a harmonised system as soon as possible.

Amendment 20

Proposal for a directive
Article 7 - paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall adopt and publish, by **[30 June 2012]** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those

1. Member States shall adopt and publish, by **30 June 2011** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those

provisions and this Directive.

Member States shall apply those provisions from *[1 July 2012]*.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

provisions and this Directive.

Member States shall apply those provisions from *1 July 2011*.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Justification

We propose a 2010 deadline which will be in line with the Member States commitments to reduce VOC emissions under the EU National Emission Ceilings Directive and UNECE Gothenburg Protocol.

EXPLANATORY STATEMENT

Introduction

Petrol contains volatile organic compounds (VOCs) that evaporate inside the fuel tank, filling the empty space in the tank above the fuel. As a vehicle is refuelled, these vapours are pushed out of the tank by the incoming fuel and, unless captured, escape into the atmosphere out of the top of the vehicle filler pipe.

Once released into the atmosphere VOCs react in the presence of sunlight with nitrogen oxides to form ground level ozone. This is one of the components of photochemical smog, which harms human health, vegetation and building materials.

Ozone is a highly irritating transboundary gaseous air pollutant, and exposure to it can be harmful to people's health. Increases in levels of ozone have been associated with increases in general mortality rates and in respiratory-disease-associated hospitalisations. In addition to its effects on human health, ozone is known to have detrimental effects on plants and crop yields. Ozone also has a damaging effect on materials such as natural and synthetic rubber, surface coatings (such as paints and varnishes) and textiles. In combination with other pollutants it has been shown to damage metals and stone.

Benzene is a VOC and a component of petrol. It is also a known human genotoxic carcinogen and is associated with a heightened risk of illnesses such as leukaemia. Human exposure comes mainly from tobacco smoke, petrol vapour and from vehicle exhaust emissions.

In addition, the Commission recognises that a greater uptake on biofuels (such as bioethanol in petrol) may lead to greater emissions of petrol vapour (benzene, ozone and other VOCs), due to an increased vapour pressure of the resulting blends.

The Commission Proposal

The need to deliver cleaner air has been recognised for several decades with action having been taken at national and EU level and also through international conventions.

Improving the quality of our ambient air remains a major challenge to be addressed. The problem of air pollution can only be solved in the long term and within a European framework, particularly by stepping up cross-border measures. The long term objectives for health and the environment, as established by previous decisions, will not be attained on the basis of current policies, even by 2020, according to recent findings. The Thematic Strategy for Air Quality of 2005 and the legislation that followed (in particular directive 2008/50) proposed several measures to help deliver further progress towards the long term objectives, including additional measures at source, such as controls on the refuelling of petrol cars at service stations.

The Commission's proposal aims at recovering petrol vapour which is emitted to the atmosphere during the refuelling of passenger cars at service stations. An existing directive (1994/63) is already regulating the control of VOCs emissions from the storage of petrol and its distribution from terminals to service stations.

Petrol vapour emitted during the refuelling of passenger cars is currently unregulated at an EU level although a significant number of Member States have Stage II PVR controls in place. These national regulations vary in scope, particularly in terms of the minimum size of petrol station covered, the required vapour collection efficiency and the post-installation compliance

regime. It is consequently important to propose regulation at an EU level. Stage II vapour recovery controls at service stations are intended to limit the emissions of VOCs when vehicles refuel and recover at least, according to the Commission proposal, 85% of the displaced vapour.

The position of the rapporteur

The rapporteur considers that the Commission proposal is necessary, given the need to further target VOCs to improve both regional and local air quality and public amenity, the successful uptake of VPR II systems around the world, and the ability of the technology to reduce refuelling emissions by 95 per cent.

His amendments go towards the direction of strengthening the Commission's proposal, taking into account:

- that the level of emissions of VOCs from service stations is related to fuel throughput and human exposure is related to a person's proximity to the emission source. Accordingly, the larger the service station and the closer a person is working or living to the vicinity of the service station, the higher the likelihood of encountering high concentrations of VOCs in the ambient air. Smaller petrol stations emit proportionately fewer emissions than other throughput categories, and
- the cost of installation. Whilst the benefits of any stage II system would usually be determined at the level of society as a whole, it is interesting to note that there are considerable distributional effects related to the economic value of the recovered petrol vapour. The recovery and sale of vapour as petrol over the period can offset these costs. A recent UK study indicated a net economic benefit, over the lifetime of the equipment, from the sale of recovered vapour for service stations.

Rapporteur's amendments

- a. Extend the scope of the Directive to all motor vehicles.
- b. Strengthen the level of protection by asking for the minimum permitted level of petrol vapour recovery to be equal to or greater than 95%.
- c. Include all existing service stations under permanent living quarters or working areas which undergo a major refurbishment to the scope of the proposal, regardless of their throughput.
- d. Reduce the required throughput of existing petrol stations and advance the compliance date for them.
- e. Lead to achieving better compliance by testing, monitoring and inspections of log books of service stations and introduce a reporting duty for Member States.
- f. Establish a workable and transparent procedure on sanctions for non-compliance, by introducing the "name and shame" system which shall ensure compliance with the rules laid down in the Directive.
- g. Introduce a review clause, in order for the Commission to establish harmonised methods to measure the hydrocarbon capture efficiency, as soon as possible.
- h. introduce an earlier transposition date in recognition of the Member States commitments to reducing emissions of VOCs under the Gothenburg Protocol and the National Emission Ceilings Directive for 2010

PROCEDURE

Title	Petrol vapour recovery during refuelling of passenger cars at service stations
References	COM(2008)0812 – C6-0470/2008 – 2008/0229(COD)
Date submitted to Parliament	4.12.2008
Committee responsible Date announced in plenary	ENVI 15.12.2008
Committee(s) asked for opinion(s) Date announced in plenary	ITRE 15.12.2008
Not delivering opinions Date of decision	ITRE 19.1.2009
Rapporteur(s) Date appointed	Dimitrios Papadimoulis 12.1.2009
Discussed in committee	16.2.2009
Date adopted	31.3.2009
Result of final vote	+: 42 -: 1 0: 4
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Margrete Auken, Liam Aylward, Pilar Ayuso, Irena Belohorská, Maria Berger, Johannes Blokland, Frieda Brepoels, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Magor Imre Csibi, Chris Davies, Avril Doyle, Edite Estrela, Anne Ferreira, Matthias Groote, Françoise Grossetête, Gyula Hegyi, Marie Anne Isler Béguin, Dan Jørgensen, Christa Kläß, Urszula Krupa, Jules Maaten, Marios Matsakis, Linda McAvan, Péter Olajos, Miroslav Ouzký, Vladko Todorov Panayotov, Vittorio Prodi, Dagmar Roth-Behrendt, Guido Sacconi, Daciana Octavia Sârbu, Amalia Sartori, Bogusław Sonik, María Sornosa Martínez, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Glenis Willmott
Substitute(s) present for the final vote	Iles Braghetto, Nicodim Bulzesc, Christofer Fjellner, Johannes Lebech
Substitute(s) under Rule 178(2) present for the final vote	Christopher Heaton-Harris, Søren Bo Søndergaard
Date tabled	2.4.2009