

**Opinion of the European Economic and Social Committee 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) 812 final — 2008/0229 (COD)**

(2009/C 277/14)

Rapporteur: **Francis DAVOUST**

On 20 January 2009, the Council decided to consult the European Economic and Social Committee, under Article 175 of the Treaty establishing the European Community, 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) 812 final – 2008/0229 (COD).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 17 April 2009. The rapporteur was Mr Francis DAVOUST.

At its 453<sup>rd</sup> plenary session, held on 13 and 14 May 2009 (meeting of 13 May), the European Economic and Social Committee adopted the following opinion by 194 votes to 2, with 5 abstentions.

## **1. Conclusions and recommendations**

1.1. The EESC welcomes the proposal for a directive, which follows the commitments made in:

- the Thematic Strategy on Air Pollution;
- 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. The Commission recognised that this could lead to greater emissions of volatile organic compounds and indicated that Stage II PVR would be proposed to offset any increased emissions;
- 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.

1.2. The EESC notes that Directive 94/63/EC aims to recover petrol vapour otherwise emitted to the atmosphere from the storage and distribution of petrol between terminals and service stations (so called 'Stage I petrol vapour recovery'). The petrol vapour displaced when a service station receives a new delivery of petrol is returned to the road tanker or mobile vessel and returned to the terminal where it can be redistributed.

1.3. The EESC welcomes the Commission's choice to install PVR Stage II equipment at:

- a. all new and substantially refurbished service stations with a throughput greater than 500 m<sup>3</sup> of petrol per annum;

- b. all new and substantially refurbished service stations with a throughput greater than 500 m<sup>3</sup> of petrol per annum and larger existing stations (i.e. with a throughput in excess of 3 000 m<sup>3</sup> per annum);

- c. all service stations covered by option (b) and service stations situated in or under residential accommodation;

- d. all service stations covered by option (c) with automatic monitoring of all stage II equipment that would restrict petrol sales if the equipment is not functioning correctly.

1.4. A detailed evaluation of the options is included in the Impact Assessment accompanying the proposal, which is available on the following website <sup>(1)</sup>.

1.5. The EESC therefore recommends that the Directive be adopted, with the proposed amendments to articles 3, 4 and 5.

## **2. General comments**

2.1. This legislative proposal aims to recover petrol vapour emitted into the atmosphere during the refuelling of passenger cars at service stations (known as 'Stage II Petrol Vapour Recovery or PVR').

2.2. The EESC is well aware that emissions of volatile organic compounds present in petrol are detrimental to local and regional air quality (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. Hydrocarbons are classified in several different categories on the basis of their molecular structure, according to whether they are

<sup>(1)</sup> <http://ec.europa.eu/environment/air/transport/petrol.htm>

bonded into chains (linear hydrocarbons) or rings (cyclic hydrocarbons). Aromatic hydrocarbons are unsaturated cyclic structures built around a basic element of six carbon atoms. The basic hydrocarbon is  $C_6H_6$  benzene. For the protection of human health, in 2006 the European Parliament and the Commission set a European exposure limit to benzene of an annual mean of  $9 \mu g/m^3$ , with a target of  $5 \mu g/m^3$  in 2010. The EESC is therefore particularly concerned that account be taken both of consumers, who regularly refuel their vehicles in service stations, and the employees who work continuously *in situ*.

2.3. The main source of these emissions is the loss of petrol vapour from vehicle fuel tanks or during refuelling. The recent changes made to the Directive on quality of petrol, which allow a higher proportion of ethanol to be added to petrol, exacerbates the problem of emissions, since the presence of ethanol increases petrol vapour pressure in storage tanks. Consequently, it is time to look for new ways of reducing emissions.

2.4. The EESC strongly recommends that the Commission immediately look into the possibility of vehicles being altered to allow petrol vapour to be retained or recovered in their own tanks, a practice that is already mandatory in the USA, and to issue proposals on this subject without delay.

2.5. In the meantime, the EESC supports the Commission's current proposals aimed at reducing the petrol vapour emitted into the atmosphere during vehicle refuelling.

2.6. The EESC stresses that current practice regarding petrol vapour recovery in refuelling varies widely between the Member States. Consequently, it supports the Commission's proposal to allow recourse to Article 175 to ensure minimum standards for petrol vapour recovery on refuelling at European level, whilst leaving Member States free to impose stricter standards if they wish to do so.

2.7. Directive 94/63/EC already ensures the recovery of petrol vapour otherwise emitted into the atmosphere from the storage and distribution of petrol between terminals and service stations (known as 'Stage I Petrol Vapour Recovery').

2.8. For the EESC, stage II petrol vapour recovery is a logical step from the point of view of improving air quality.

2.9. Moreover, the EESC notes that this proposal is not only consistent with the Community's Sixth Environmental Action Programme, but also in line with the three pillars of the Lisbon Strategy. It will encourage a greater demand for, and the development of, Stage II vapour recovery technologies.

### 3. Specific comments

#### Article 3

#### Service stations

##### 3.1. Point 1

3.1.1. In the first sentence, the word 'intended' should be clarified. In the EESC's view, it is particularly hard to be certain that

the actual throughput once a service station is opened will be identical to the throughput intended at the planning stage.

3.1.2. The EESC would like the following phrase to be added after ' $500 m^3$  per annum': 'Service stations shall declare their throughput within three months of opening'.

3.1.3. The EESC considers it necessary that all new service stations with a capacity of less than  $500 m^3$  should be required to declare any increases that bring their throughput to over  $500 m^3$  per annum. The declaration must be made within three months of the beginning of the year after the year when the increase occurred; the equipment must be installed within six months in the same year.

3.1.4. In the second sentence, the word 'separate' should be added before the phrase, 'working areas', since offices needed for the running of the service station may be an integral part of the building.

3.1.5. Point 1 would therefore be worded as follows:

*Member States shall ensure that any new service station shall be equipped with a Stage II petrol vapour recovery system if its actual or intended throughput is greater than  $500 m^3$  per annum. **Service stations shall declare their throughput within three months of opening. All new service stations with a capacity of less than  $500 m^3$  shall declare any increases that bring their throughput to over  $500 m^3$  per annum. The declaration must be made within three months of the beginning of the year after the year when the increase occurred; the equipment must be installed within six months in the same year.** However, all new service stations situated under permanent living quarters or **separate** working areas shall be equipped with a Stage II petrol vapour recovery system irrespective of their actual or intended throughput.*

##### 3.2. Point 2

3.2.1. The EESC considers that the term 'major refurbishment' needs to be clarified. It feels that it must entail a significant change, such as an increase in the throughput of petrol distribution and filling equipment of over 20 % in comparison to the equivalent initial throughput or the transition from a manned self-service installation to an unmanned one.

3.2.2. The EESC calls for the following not to be classified as major refurbishments or significant changes: changing a service station's display sign; changing from a traditional full-service installation to a self-service operation with an attendant; or bringing the installation into line with existing regulations.

3.2.3. Point 2 would therefore be worded as follows:

Member States shall ensure that any existing service station with a throughput greater than 500 m<sup>3</sup> per annum which undergoes a major refurbishment shall be equipped with a Stage II petrol vapour recovery system at the time of the refurbishment. **Major refurbishment shall be understood as entailing a significant change, such as an increase in the throughput of petrol distribution and filling equipment of over 20 % in comparison to the equivalent initial throughput or the transition from a manned self-service installation to an unmanned one. The following shall not be classified as major refurbishments or significant changes: changing a service station's display sign; changing from a traditional full-service installation to a self-service operation with an attendant; or bringing the installation into line with existing regulations.**

3.3. Point 3

3.3.1. The EESC recommends that the following sentence be added: 'Service stations with a throughput of less than 3 000 m<sup>3</sup> per annum must declare any increase in throughput, beyond 3 000 m<sup>3</sup> in the course of a calendar year'; the equipment must be installed within six months in the same year.

3.3.2. Point 3 would therefore be worded as follows:

Member States shall ensure that an existing service station with a throughput in excess of 3 000 m<sup>3</sup> per annum shall be equipped with a Stage II petrol vapour recovery system by no later than 31 December 2020. **Service stations with a throughput of less than 3 000 m<sup>3</sup> per annum must declare any increase in throughput, beyond 3 000 m<sup>3</sup> in the course of a calendar year; the equipment must be installed within six months in the same year.**

Article 4

#### Minimum permitted level of petrol vapour recovery

3.4. Point 1

3.4.1. The EESC proposes that the figure of 85 % be replaced by 90 %, since a number of Member States have already set the minimum recovery level at this rate.

3.4.2. Point 1 would therefore be worded as follows:

Member States shall ensure that the hydrocarbon capture efficiency of a Stage II petrol vapour recovery system is equal to or greater than 85 % **90 %**.

3.5. New point

3.5.1. The EESC recommends that the equipment for Stage II petrol vapour recovery systems be more clearly defined.

Article 5

#### Periodic inspection and compliance

3.6. Point 1

3.6.1. The EESC considers that annual inspections are all the more necessary for service stations with automatic monitoring systems since there is no operator to monitor faults.

3.6.2. Point 1 would therefore be worded as follows:

Member States shall ensure that the hydrocarbon capture efficiency is tested at least once per annum **where an automatic monitoring system has been installed.**

3.7. Point 2

3.7.1. The EESC proposes that the first sentence be deleted.

3.7.2. It recommends that the second sentence: 'The automatic monitoring system shall automatically detect faults in the proper functioning of the Stage II petrol vapour recovery system and in the automatic monitoring system itself, indicate faults to the service station operator and automatically stop the flow of petrol from the faulty dispenser if the fault is not rectified within 7 days' read as follows: 'The automatic monitoring system shall automatically detect faults in the proper functioning of the Stage II petrol vapour recovery system and in the automatic monitoring system itself, as well as indicating faults to the service station operator; fuel distribution shall be interrupted if the repairs are not carried out within 72 hours'.

3.7.3. The proposed seven-day deadline is far too long. This provision should also apply to manned service stations.

3.7.4. Point 2 would therefore be worded as follows:

~~Where an automatic monitoring system has been installed, the Member States shall ensure that the hydrocarbon capture efficiency is tested at least once every three years. The automatic monitoring system shall automatically detect faults in the proper functioning of the Stage II petrol vapour recovery system and in the automatic monitoring system itself and indicate faults to the service station operator; and automatically stop the flow of petrol from the faulty dispenser if the fault is not rectified within 7 days. fuel distribution shall be interrupted if the repairs are not carried out within 72 hours.~~

Brussels, 13 May 2009.

The President  
of the European Economic and Social Committee  
Mario SEPI