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► B 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
(OJ L 285, 31.10.2009, p. 36)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Directive 2014/99/EU of 21 October 2014	L 304	89	23.10.2014
► <u>M2</u>	Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019	L 198	241	25.7.2019



**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**

Article 1

Subject matter

This Directive lays down measures aimed at reducing the amount of petrol vapour emitted to the atmosphere during the refuelling of motor vehicles at service stations.

Article 2

Definitions

For the purposes of this Directive:

1. 'petrol' means petrol as defined in Article 2(a) of Directive 94/63/EC;
2. 'petrol vapour' means any gaseous compound which evaporates from petrol;
3. 'service station' means a service station as defined in Article 2(f) of Directive 94/63/EC;
4. 'existing service station' means a service station which is built or for which an individual planning permission, construction licence or operating licence is granted before 1 January 2012;
5. 'new service station' means a service station which is built or for which an individual planning permission, construction licence or operating licence is granted on or after 1 January 2012;
6. 'Stage II petrol vapour recovery system' means equipment aimed at recovering the petrol vapour displaced from the fuel tank of a motor vehicle during refuelling at a service station and which transfers that petrol vapour to a storage tank at the service station or back to the petrol dispenser for resale;
7. 'petrol vapour capture efficiency' means the amount of petrol vapour captured by the Stage II petrol vapour recovery system compared to the amount of petrol vapour that would otherwise be emitted to the atmosphere in the absence of such a system and expressed as a percentage;
8. 'vapour/petrol ratio' means the ratio between the volume at atmospheric pressure of petrol vapour passing through the Stage II petrol vapour recovery system and the volume of petrol dispensed;
9. 'throughput' means the total annual quantity of petrol unloaded from mobile containers into a service station.

▼B*Article 3***Service stations**

1. Member States shall ensure that any new service station shall be equipped with a Stage II petrol vapour recovery system if:
 - (a) its actual or intended throughput is greater than 500 m³/year; or
 - (b) its actual or intended throughput is greater than 100 m³/year and it is situated under permanent living quarters or working areas.
2. Member States shall ensure that any existing service station which undergoes a major refurbishment shall be equipped with a Stage II petrol vapour recovery system at the time of the refurbishment if:
 - (a) its actual or intended throughput is greater than 500 m³/year; or
 - (b) its actual or intended throughput is greater than 100 m³/year and it is situated under permanent living quarters or working areas.
3. Member States shall ensure that any existing service station with a throughput in excess of 3 000 m³/year shall be equipped with a Stage II petrol vapour recovery system by no later than 31 December 2018.
4. Paragraphs 1, 2 and 3 shall not apply to service stations exclusively used in association with the construction and delivery of new motor vehicles.

*Article 4***Minimum level of petrol vapour recovery****▼M1**

1. Member States shall ensure, with effect from the date on which Stage II petrol vapour recovery systems become mandatory pursuant to Article 3, that the petrol vapour capture efficiency of such systems is equal to or greater than 85 % as certified by the manufacturer in accordance with Standard EN 16321-1:2013.

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2. With effect from the date on which Stage II petrol vapour recovery systems become mandatory pursuant to Article 3, where the recovered petrol vapour is transferred to a storage tank at the service station, the vapour/petrol ratio shall be equal to or greater than 0,95 but less than or equal to 1,05.

*Article 5***Periodic checks and consumer information****▼M1**

1. Member States shall ensure that the in-service petrol vapour capture efficiency of Stage II petrol vapour recovery systems is tested at least once each year in accordance with Standard EN 16321-2:2013.

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2. Where an automatic monitoring system has been installed, Member States shall ensure that the petrol vapour capture efficiency

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is tested at least once every three years. Any such 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 seven days.

3. When a service station has installed a Stage II petrol vapour recovery system, Member States shall ensure that it displays a sign, sticker or other notification on, or in the vicinity of, the petrol dispenser, informing consumers of that fact.

*Article 6***Penalties**

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 1 January 2012 and shall notify it without delay of any subsequent amendment affecting them.

*Article 7***Review**

The Commission shall, by 31 December 2014, review the implementation of this Directive and, in particular:

- (a) the 100 m³/year threshold referred to in Article 3(1)(b) and (2)(b) of this Directive and Article 6(3) of Directive 94/63/EC;
- (b) the in-service compliance record of Stage II petrol vapour recovery systems; and
- (c) the need for automatic monitoring equipment.

It shall report the results of that review to the European Parliament and to the Council accompanied, if appropriate, by a legislative proposal.

▼M2*Article 8***Technical adaptations**

The Commission is empowered to adopt delegated acts in accordance with Article 8a amending Articles 4 and 5 to adapt them to technical progress where necessary to ensure consistency with any relevant standard drawn up by the European Committee for Standardisation (CEN).

The delegation of power referred to in the first paragraph shall not apply to the petrol vapour capture efficiency and vapour/petrol ratio specified in Article 4 and the time periods specified in Article 5.

▼ M2*Article 8a***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 8 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 8 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.
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 ⁽¹⁾.
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 8 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.

▼ B*Article 10***Transposition**

1. Member States shall bring into force the laws, regulations, and administrative provisions necessary to comply with this Directive before 1 January 2012. They shall forthwith communicate to the Commission the text of those measures.

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

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When Member States adopt those measures, 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 reference shall be laid down by Member States.

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

*Article 11***Entry into force**

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union*.

*Article 12***Addressees**

This Directive is addressed to the Member States.