



Department
for Environment
Food & Rural Affairs

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Consultation

Transposition of Directive 2014/99/EU on Stage II Petrol Vapour Recovery during Refuelling of Motor Vehicles at Service Stations

November 2015



Llywodraeth Cymru
Welsh Government



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Contents

Transposition of Directive 2014/99/EU1

Purpose of the Consultation.....2

Consultation Questions.....2

Tell Us What You Think.....2

Next Steps.....3

1 Transposition of Directive 2014/99/EU

1.1 Directive 2014/99/EU

Petrol and diesel contain volatile organic compounds (VOCs), which contribute to the formation of ozone, a major air pollutant. VOCs evaporate inside the fuel tank of a vehicle and fill the air space above the liquid fuel. When a vehicle is refuelled, these vapours are forced out from the fuel tank by the incoming fuel and, unless controlled, escape into the atmosphere through the filler neck of the fuel tank.

The UK Government is committed to invest in cleaner air for all and has implemented legislation which requires VOCs to be controlled at petrol stations by the installation of Stage II Petrol Vapour Recovery (PVR) equipment.

A new Directive 2014/99/EU has been introduced which requires compliance with recently introduced European Committee for Standardisation standards (CEN standards) on the certification and in-service efficiency testing of Stage II PVR equipment.

Member States must transpose the Directive by 12 May 2016 and must apply its provisions from 13 May 2016.

1.2 Approach to Transposition

In order to transpose Directive 2014/99/EU, the UK Government and the Welsh Government are proposing to introduce an amendment to the Environmental Permitting Regulations (England and Wales) 2010 which are already implementing the current Directive on Petrol Vapour Recovery (Directive 2009/126EC). Our amending Regulations will mainly update the definition of 'PVRII' in paragraph 2 of Part 2 of Schedule 18 of the Environmental Permitting Regulations so that it reflects the amendments introduced through the 2014 Directive.

The amending Regulations are deemed to be the most appropriate method for transposing Directive 2014/99/EU because they permit us to introduce the necessary technical changes whilst maintaining the existing legislative framework for PVR, thus maintaining current regulatory arrangements with which businesses are familiar.

The amending Regulations will have the effect of ensuring that England and Wales are compliant with the Directive. Scotland and Northern Ireland will be transposing separately.

1.3 Impact

Manufacturers of Stage II PVR equipment asked for the establishment of CEN Standards on certification and testing as it was deemed to be less burdensome, both technically and financially, to introduce pan-European standards rather than to have multiple different, national sets of technical guidelines.

The CEN standards are largely based upon an existing set of technical guidelines (VDI2405), which are used to regulate Stage II PVR in the UK. Hence, petrol retailers in the UK will not incur additional costs as a consequence of the adoption of these standards. There will be some re-certification costs for manufacturers of PVR equipment. Through discussions with industry, we understand that these costs are likely to be £10,500 - £36,000 per manufacturer, depending on the scale of their operations. Discussions with industry suggest that there is only one site in the UK manufacturing PVR equipment which will directly bear the costs of re-certification.

2 Purpose of the Consultation

This consultation is focused on the proposed amendments to the Environmental Permitting (England and Wales) Regulations 2010 which will transpose the 2014 Directive into UK law and enforce compliance with the CEN Standards.

We are seeking views on the approach we have taken to transposition, in particular on the workability and appropriateness of the amending Regulations. We are also interested in views on the accuracy and validity of our assessment of the impact of transposition.

3 Consultation Questions

We would specifically welcome responses related to the following questions:

1. Do you agree that the amending Regulations represent a practical and appropriate transposition of the 2014 Directive?
2. Do you agree that our assessment of the impact of transposing the Directive is a fair reflection of its impact on UK industry?
3. Do you have any other, general comments on the approach we are taking to transposing this Directive?

4 Tell Us What You Think

4.1 Who will be interested in responding?

This is a public consultation and it is open to anyone with an interest in providing comments. We expect that it will be of particular interest to operators of service stations and manufacturers of Stage II Petrol Vapour Recovery equipment. The proposed Regulations will apply to England and Wales.

A list of the stakeholders and interested groups whom specifically we have made aware of this consultation is available at Annex A.

4.2 Having Your Say

If you wish to respond, please submit your comments by **11 January 2016**

You can respond in one of three ways:

1. Online, by completing a questionnaire at: <https://consult.defra.gov.uk/industrial-pollution-control/transposition-of-directive-2014-99-eu-on-stage-ii>
2. Email, by sending comments to:
control.pollution@defra.gsi.gov.uk
3. Post, by sending comments to:

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Our preferred method is online because it is the fastest and most cost-effective way for us to collate and analyse responses.

Please note that, unless you specifically request your response to be treated confidentially, your response may be made publically available.

5 Next Steps

We will publish a summary of the responses to this consultation within 12 weeks of the closing date for the submission of comments.

The UK Government plans to lay the legislation in Parliament in **February 2016**, or as soon as practicable thereafter. The regulations will also be laid before the National Assembly for Wales.