

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

Article 4

Loading and unloading of mobile containers at terminals

1 Loading and unloading equipment shall be designed and operated in accordance with the technical provisions of Annex II.

These provisions are designed to reduce the total annual loss of petrol resulting from loading and unloading of mobile containers at terminals to below the target reference value of 0,005 w/w % of the throughput.

Member States may maintain or require more stringent measures 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 owing to specific conditions.

Member States may adopt technical measures for the reduction of losses of petrol other than those set down in Annex II if such alternative measures are demonstrated to have at least the same efficiency.

Member States shall inform the other Member States and the Commission of any existing measures or of any special measures referred to in this paragraph which they contemplate taking and of their grounds for taking them. The Commission shall verify the compatibility of these measures with the provisions of the Treaty and those of this paragraph.

[^{F1}All terminals with loading facilities for road tankers shall be equipped with at least one gantry which meets the specifications for bottom loading equipment laid down in Annex IV. The Commission shall re-examine those specifications at regular intervals and is empowered to adopt delegated acts in accordance with Article 7a amending Annex IV in the light of the result of that re-examination.]

2 The provisions of paragraph 1 shall apply:

- a from the date referred to in Article 10 for new terminals for loading onto road tankers, rail tankers and/or vessels;
- b three years from the date referred to in Article 10 for existing terminals for loading onto road tankers, rail tankers and/or vessels if the throughput is greater than 150 000 tonnes/year;
- c six years from the date referred to in Article 10 for existing terminals for loading onto road tankers and rail tankers if the throughput is greater than 25 000 tonnes/year;
- d nine years from the date referred to in Article 10 for all other existing loading installations at terminals for loading onto road tankers and rail tankers.

3 Nine years after the date referred to in Article 10 the requirements for bottom-loading equipment set in Annex IV shall apply to all road tanker loading gantries at all terminals unless exempted under the terms of paragraph 4.

4 By way of derogation, paragraphs 1 and 3 shall not apply:

- a to existing terminals with a throughput of less than 10 000 tonnes/year and;

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- b to new terminals with a throughput of less than 5 000 tonnes/year located in small remote islands.

[^{F2}Member States shall inform the Commission of terminals concerned by such a derogation.]

5 The Kingdom of Spain may grant a derogation of one year from the time limit set down in paragraph 2 (b).

Textual Amendments

- F1** Substituted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).
- F2** Substituted by Decision (EU) 2018/853 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) No 1257/2013 and Directives 94/63/EC and 2009/31/EC of the European Parliament and of the Council and Council Directives 86/278/EEC and 87/217/EEC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC.