

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 3943 of 26 July, 2012**

---

---

LEGAL NOTICE NO. 115 OF 2012.

**PETROLEUM ACT**

**PEROLEUM (AMENDMENT) RULES 2012**

In exercise of the powers conferred on him by section 7 of the Petroleum Act, and all other enabling powers, and in order to transpose into the law of Gibraltar 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, the Chief Minister has made the following Rules—

**Title and commencement.**

1. These Rules may be cited as the Petroleum (Amendment) Rules 2012 and come into operation on the day of publication.

**Amendment of Petroleum Rules.**

2.(1) The Petroleum Rules are amended in accordance with the provisions of this Rule.

(2) In rule 2—

(a) in the definition “existing” delete the words “, service stations” on both occasions those words appear;

(b) after the definition “existing” insert the following definition—

““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;”;

(c) in the definition “new” delete the words “, service stations” on the three occasions those words appear;

(d) after the definition “new” insert the following definition—

““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;”;

(e) for the definition “petrol” substitute the following definition—

““petrol” means any petroleum derivative, with or without additives, having a Reid vapour pressure of 27,6 kilopascals or more, which is intended for use as a fuel for motor vehicles, except liquefied petroleum gas (LPG);”;

- (f) after the definition “petroleum ship” insert the following definitions—

““petrol vapour” means any gaseous compound which evaporates from petrol;

“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;”;

- (g) after the definition “service station” insert the following definition—

““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;”;

- (h) at the end of the definition “throughput” insert the following words “, except in Part IIA where it means the total annual quantity of petrol unloaded from mobile containers into a service station”;

- (i) after the definition “vapours” insert the following definition—

““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;”.

- (3) After rule 25 insert the following Part—

**“PART IIA**

**PROVISIONS RELATING TO STAGE II PETROL VAPOUR  
RECOVERY DURING REFUELLING OF MOTOR VEHICLES AT  
SERVICE STATIONS.**

**Service stations.**

- 25A.(1) Every new service station shall be equipped with a Stage II petrol vapour recovery system if—
- (a) its actual or intended throughput is greater than 500m<sup>3</sup>/year; or
  - (b) its actual or intended throughput is greater than 100m<sup>3</sup>/year and it is situated under permanent living quarters or working areas.
- (2) Every 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 500m<sup>3</sup>/year; or
  - (b) its actual or intended throughput is greater than 100m<sup>3</sup>/year and it is situated under permanent living quarters or working areas.
- (3) An existing service station with a throughput in excess of 3,000m<sup>3</sup>/year must be equipped with a Stage II petrol vapour recovery system by no later than 31 December 2018.
- (4) Subrules (1), (2) and (3) shall not apply to service stations exclusively used in association with the construction and delivery of new motor vehicles.

**Minimum level of petrol vapour recovery.**

25B. As from the date upon which the installation of Stage II petrol vapour recovery systems become mandatory, pursuant to rule 25A–

- (a) the efficiency of the petrol vapour capture must be at least 85%, as determined–
  - (i) by the manufacturer's certificate;
  - (ii) pursuant to any technical standard that may be adopted under Article 8 of the Directive; or
  - (iii) in accordance with any relevant national standard; and
- (b) where the recovered petrol vapour is transferred to a storage tank at a service station, the vapour/petrol ratio shall be equal to or greater than 0.95 but less than or equal to 1.05.

**Periodic checks and consumer information.**

25C.(1) In-service petrol vapour capture efficiency of Stage II petrol vapour recovery systems must be tested at least once each year, either–

- (a) by checking that the vapour/petrol ratio under simulated petrol flow conditions is in conformity with rule 25B(b); or
  - (b) by any other appropriate methodology.
- (2) Where an automatic monitoring system has been installed, the petrol vapour capture efficiency must be tested at least once every 3 years.
- (3) An automatic monitoring system referred to in sub-rule (2) 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.

- (4) Where a Stage II petrol vapour recovery system has been installed in a service station there shall be displayed a sign, sticker or other notification on, or in the vicinity of, the petrol dispenser, informing consumers of that fact.

**Obligations on owners and operators.**

25D.(1) The duties set out in rules 25A to 25C apply equally to an owner of a service station as they do to an operator of a service station, and a breach of such a duty is actionable against either or both an owner and an operator.

- (2) A breach of a duty imposed under rules 25A to 25C shall be deemed to be a contravention for the purposes of proceedings under rule 38.”.

(4) In rule 38 for the words “of £50” substitute the words “not exceeding level 5 on the standard scale”.

Dated 26th July, 2012.

F R PICARDO,  
Chief Minister.

---

**EXPLANATORY MEMORANDUM**

These Rules transpose into the law of Gibraltar Directive 2009/126/EC on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations.

