

Proposal for a Directive of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants

(2000/C 56 E/10)

(Text with EEA relevance)

COM(1999) 125 final — 1999/0067(COD)

(Submitted by the Commission on 14 July 1999)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

relation to exposure to acidifying, eutrophying and photochemical air pollutants, are not exceeded.

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

(3) Council Directive 92/72/EEC of 21 September 1992 on air pollution by ozone ⁽³⁾ requires the Commission to submit to the Council a report on the evaluation of photochemical pollution in the Community, accompanied by any proposals the Commission deems appropriate on the control of air pollution by ozone and, if necessary, for reducing emissions of ozone precursors.

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

(4) Acidification, soil eutrophication and ozone formation are caused in particular by transboundary pollution, the abatement of which requires coordinated Community action.

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

(5) Significant areas of the Community are exposed to depositions of acidifying and eutrophying substances at levels which have adverse effects on the environment. The WHO guideline values for the protection of human health and vegetation from photochemical pollution are substantially exceeded in all Member States. Those exceedances of critical loads and guideline levels should therefore be eliminated.

Whereas:

(1) On the basis of principles enshrined in Article 174 of the Treaty, the Fifth Environmental Action Programme approved by the Resolution of the Council and the Representatives of the Governments of the Member States meeting within the Council of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development ⁽¹⁾ sets the objective of no exceedance of critical loads and levels for acidification in the Community. That programme requires that all people should be effectively protected against health risks from air pollution and that permitted levels of pollution should take account of the protection of the environment. The programme requires that guideline values from the World Health Organisation (WHO) should become mandatory at Community level.

(6) It is currently not technically feasible to eliminate the adverse effects of acidification or to reduce exposure to ozone of man and the environment to the guideline values established by the WHO. It is therefore necessary to base measures to reduce pollution on interim environmental objectives for acidification and ozone pollution.

(2) Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability' ⁽²⁾ confirmed the commitment to the general approach and strategy of the Fifth Environmental Action Programme and specified that particular attention should be given to developing and implementing a strategy with the goal of ensuring that critical loads, in

(7) Interim environmental objectives and the measures to meet them should take account of technical feasibility and the associated costs and benefits. Such measures should ensure that any action taken is cost-effective for the Community as a whole.

(8) It is most cost-effective to address jointly the pollutants causing acidification and exposure to ozone. Addressing those pollutants will also reduce soil eutrophication.

(9) A set of national ceilings for each Member State for emissions of SO₂, NO_x, VOC and NH₃ is a cost-effective way of meeting the interim environmental objectives. Such emission ceilings will allow the Community and the Member States flexibility in determining how to comply with them.

⁽¹⁾ OJ C 138, 17.5.1993, p. 1.

⁽²⁾ OJ L 275, 10.10.1998, p. 1.

⁽³⁾ OJ L 297, 13.10.1992, p. 1.

- (10) The Commission should continue to examine further appropriate Community measures which may be cost-effective means of attaining the environmental objectives.
- (11) Member States should be responsible for implementing measures to comply with national emission ceilings. It will be necessary to evaluate progress towards compliance with the emission ceilings. National programmes for the reduction of emissions must therefore be drawn up and must be reported on to the Commission in a comprehensive and transparent manner. Such programmes should include information on the measure adopted or envisaged to comply with the emission ceilings.
- (12) The provisions of this Directive should apply without prejudice to the Community legislation regulating emissions of those pollutants from specific sources and to the Member States' obligation to ensure the use of best available techniques in accordance with Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control ⁽¹⁾.
- (13) Emission inventories are necessary to monitor progress towards compliance with the emission ceilings and must be calculated in accordance with internationally agreed methodology and reported on regularly to the Commission and the European Environment Agency (EEA).
- (14) A timely review is required of the progress in the Community towards the emission ceilings for 2010, as well as of scientific and technical progress, developments in Community legislation and emission reductions outside the Community. In that review, the Commission should undertake a further examination of the costs and benefits of the emission ceilings, including their cost-effectiveness, marginal costs and benefits and socio-economic impact. The review should also consider the limitations on the scope of this Directive. The Commission should for this purpose prepare a report to the European Parliament and the Council and if necessary propose appropriate amendments to this Directive. An interim objective for soil eutrophication should be established in the review of the Directive in 2004.
- (15) The Community should cooperate internationally with a view to achieving the objectives of this Directive and to promote the necessary technical and scientific research and development. For this purpose, the Commission should pursue the necessary bilateral and multilateral cooperation.
- (16) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. Those penalties must be effective, proportionate and dissuasive.
- (17) The format and methods for reporting national programmes and emission inventories will require more detailed technical specifications. Those methods and formats should be updated as necessary. The Committee set up by Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management ⁽²⁾ should assist the Commission in setting out the specifications for such formats and methods.
- (18) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objective of the proposed measure, limitation of emissions of acidifying and eutrophying pollutants and ozone precursors, cannot be sufficiently achieved by the Member States because of the transboundary nature of the pollution and can therefore be better achieved by the Community; this Directive confines itself to the minimum required in order to achieve that objective and does not go beyond what is necessary for that purpose.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective

The aim of this Directive is to limit emissions of acidifying and eutrophying pollutants and ozone precursors in order to improve the protection of the environment and human health against risks of adverse effects from acidification, soil eutrophication and tropospheric ozone towards the long-term objective of no exceedance of critical levels and loads and the effective protection of all people against recognised health risks from air pollution.

Article 2

Scope

This Directive covers emissions in the territory of the Member States and their Exclusive Economic Zones from all anthropogenic sources of the pollutants referred to in Article 4.

It does not cover:

- (a) emissions from the international maritime traffic;
- (b) aircraft emissions beyond the landing and take-off cycle;
- (c) for Spain, emissions in the Canary Islands.
- (d) for France, emissions in the overseas department (DOMs);
- (e) for Portugal, emissions in Madeira and the Azores.

⁽¹⁾ OJ L 257, 10.10.1996, p. 26.

⁽²⁾ OJ L 296, 21.11.1996, p. 55.

Article 3

Definitions

For the purposes of this Directive:

1. 'critical load' means a quantitative estimate of an exposure to one or more pollutants below which significant adverse effects on specified sensitive elements of the environment do not occur, according to present knowledge;
2. 'critical level' means the concentration of pollutants in the atmosphere above which direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur, according to present knowledge;
3. 'emission' means the discharge of substances into the atmosphere;
4. 'exceedance' means the difference between a critical load or level and the observed or estimated deposition or concentration;
5. 'landing and take-off cycle' means a cycle represented by the following time in each operating mode: approach 4,0 minutes; taxi/ground idle 26,0 minutes, take-off 0,7 minutes; climb 2,2 minutes;
6. 'national emission ceiling' means the maximum amount of a substance expressed in kilotonnes which may be emitted from a Member State in a calendar year;
7. 'volatile organic compounds' (VOC) means all organic compounds of anthropogenic nature, other than methane, that are capable of producing photochemical oxidants by reactions with nitrogen oxides in the presence of sunlight.

Article 4

National emission ceilings

1. By the year 2010 at the latest, Member States shall limit their annual national emissions of the pollutants sulphur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC) and ammonia (NH₃) to amounts not greater than the emission ceilings laid down in Annex I.
2. Member States shall ensure that the emission ceilings laid down in Annex I are not exceeded in any year after 2010.

Article 5

Interim environmental objectives

The interim environmental objectives of this Directive are those set out in Annex II.

Article 6

National programmes

1. Member States shall, by 1 October 2002 at the latest, draw up programmes for the progressive reduction of annual national emissions of the pollutants referred to in Article 4

with the aim of complying at least with the national emission ceilings laid down in Annex I by 2010 at the latest.

2. The national programmes shall include information on adopted and envisaged policies and measures and quantified estimates of the effect of these policies and measures on emissions of the pollutants in 2010. Anticipated significant changes in the geographical distribution of national emissions shall be indicated.

3. Member States shall update and revise the national programmes as necessary by 1 October 2006.

4. Member States shall make available to the public and to appropriate organisations such as environmental organisations the programmes drawn up in accordance with paragraphs 1, 2 and 3. Information made available to the public and to organisations under this paragraph shall be clear, comprehensible and accessible.

Article 7

Emission inventories and projections

1. Member States shall prepare and regularly update national emission inventories and emission projections for 2010 for the pollutants referred to in Article 4.
2. Member States shall establish their emission inventories and projections using the methodologies specified in Annex III.
3. The Commission, assisted by the European Environment Agency, shall, in cooperation with the Member States and on the basis of the information provided by them, establish inventories and projections of the pollutants referred to in Article 4. The inventories and projections shall be made publicly available.

4. The requirements set out in Annex III may be changed in accordance with the procedure set out in Article 11.

Article 8

Reports by the Member States

1. Member States shall each year, by 31 December at the latest, report their national emission inventories and their emission projections for 2010 established in accordance with Article 7(1) and (2) to the Commission and the European Environment Agency.

They shall report their final emission inventories for the previous year but one and their provisional emission inventories for the previous year.

Emission projections shall include information for a quantitative understanding of the key socio-economic assumptions used in their preparation.

2. Member States shall, by 31 December 2002 at the latest, inform the Commission of the programmes drawn up in accordance with Article 6(1) and (2).

Member States shall, by 31 December 2006 at the latest, inform the Commission of the updated programmes drawn up in accordance with Article 6(3).

3. The Commission shall forward the national programmes received to the other Member States within one month of their reception.

4. The Commission shall establish provisions to ensure consistent and transparent reporting of national programmes in accordance with the procedure set out in Article 11.

Article 9

Reports by the Commission to the European Parliament and the Council

1. In 2004 and 2008 the Commission shall report to the European Parliament and the Council on progress in the implementation of the national emission ceilings laid down in Annex I and in relation to the interim environmental objectives set out in Annex II. The reports shall include an economic assessment, including cost-effectiveness, benefits, an assessment of marginal costs and benefits and the socioeconomic impact of the implementation of the national emission ceilings on particular Member States and sectors. They shall also include a review of the limitations of the scope of this Directive as defined in Article 2 and take into account in reports made by Member States pursuant to Article 8(1) and (2), as well as:

- (a) emission reductions and reduction commitments by third countries;
- (b) the enlargement process;
- (c) new Community legislation and any international regulations concerning ship emissions;
- (d) new technical and scientific data;
- (e) assessment of current and projected exceedance of critical loads and the WHO's guideline values for tropospheric ozone;
- (f) the identification of an interim objective for reducing soil eutrophication;
- (g) new livestock projections reflecting developments in the Common Agricultural Policy;
- (h) new energy forecasts reflecting the actions taken by the Member States to comply with their international obligations in relation to climate change.

2. In 2012 the Commission shall report to the European Parliament and the Council on compliance with the ceilings in Annex I and on progress in relation to the interim environ-

mental objectives in Annex II. Its report shall take account of the reports made by Member States pursuant to Article 8(1) and (2) as well as the matters listed in points (a) to (e) of paragraph 1 of this Article.

3. The reports referred to in paragraphs 1 and 2 shall take into account the factors listed in paragraph 1 and if appropriate, be accompanied by proposals for modifications of the ceilings in Annex I, for measures to ensure compliance with the ceilings, and for possible further emission reductions.

Article 10

Cooperation with third countries

To promote the achievement of the objective set out in Article 1, the Commission shall pursue bilateral and multilateral cooperation with third countries and relevant international organisations such as the UN/ECE and IMO concerning technical and scientific research and development and the facilitation of emission reductions.

Article 11

Committee

The Commission shall be assisted by the committee set up by Article 12 of Directive 96/62/EC.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If on the expiry of three months from the date of referral to it the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 12

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.

Article 13

Transposition

1. Member States shall progressively bring into force the laws, regulations and administrative provisions necessary to comply with Article 4 not later than 31 December 2009. They shall forthwith inform the Commission thereof.

When Member States adopt provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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 14

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 15

Addressees

This Directive is addressed to the Member States.

ANNEX I

National emission ceilings for SO₂, NO_x, VOC and NH₃ (thousand tonnes), to be attained by 2010

Country	SO ₂ Kilotonnes	NO _x Kilotonnes	VOC Kilotonnes	NH ₃ Kilotonnes
Austria	40	91	129	67
Belgium	76	127	102	57
Denmark	77	127	85	71
Finland	116	152	110	31
France	218	679	932	718
Germany	463	1 051	924	413
Greece	546	264	173	74
Ireland	28	59	55	123
Italy	566	869	962	430
Luxembourg	3	8	6	7
Netherlands	50	238	156	104
Portugal	141	144	102	67
Spain	746	781	662	353
Sweden	67	152	219	48
United Kingdom	497	1 181	964	264
EC 15	3 634	5 923	5 581	2 827

ANNEX II

Interim environmental objectives ⁽¹⁾

The national emission ceilings aim at broad achievement of the following interim environmental objectives by 2010:

Acidification

- A reduction of areas with exceedance of critical loads for acidity by at least 50 per cent (in each grid cell ⁽²⁾) compared with the 1990 situation.

Health-related ozone exposure

- The ozone load above the health-related criterion (AOT60 ⁽³⁾ = 0) is to be reduced by two-thirds in all grid cells compared with the 1990 situation. In addition, the ozone load is not to exceed an absolute limit of 2.9 ppm.h in any grid cell.

Vegetation-related ozone exposure

- The ozone load above the critical level for crops and semi-natural vegetation (AOT40 ⁽⁴⁾ = 3 ppm.h) is to be reduced by one-third in all grid cells compared with the 1990 situation. In addition, the ozone load is not to exceed an absolute limit of 10 ppm.h, expressed as an excess of the critical level of 3 ppm.h in any grid cell.

⁽¹⁾ Improvements with regard to soil eutrophication: As a result of the national emission ceilings, the Community area with depositions of nutrient nitrogen in excess of the critical loads will be reduced by about 30 per cent compared with the situation in 1990.

⁽²⁾ A grid cell is 150 km × 150 km, which is the resolution used when mapping critical loads on a European scale, and also when monitoring emissions and depositions of air pollutants by the Co-operative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP).

⁽³⁾ Measure of excess ozone accumulated over a threshold of 60 ppb.

⁽⁴⁾ Measure of excess ozone accumulated over a threshold of 40 ppb.

ANNEX III

Methodologies for emission inventories and projections

Member States shall establish emission inventories and projections using the methodologies agreed upon by the Convention on Long-range Transboundary Air Pollution and are requested to use the joint EMEP/CORINAIR ⁽¹⁾ guidebook in preparing these inventories and projections.

⁽¹⁾ Air emissions inventory of the European Environment Agency