



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.06.1996
COM(96) 311 final

94/0106 (SYN)

Re-examined proposal for a

COUNCIL DIRECTIVE

on

**AMBIENT AIR QUALITY
ASSESSMENT AND MANAGEMENT**

(presented by the Commission pursuant to Article 189 c (d)
of the EC Treaty)

EXPLANATORY MEMORANDUM

On 4 July 1994, the Commission adopted a "Proposal for a Council Directive on ambient air quality assessment and management".¹

The Economic and Social Committee delivered its opinion on 23 February 1995.²

Parliament gave its opinion on the first reading on 16 June 1995.³

On 6 July 1995, the Commission adopted an amended proposal, in accordance with Article 189a, paragraph 2, of the EC Treaty. This amended proposal included, in whole, in part or in principle, 24 of the 37 proposed amendments.⁴

On 30 November 1995, the Council adopted a common position on the Commission's amended proposal.⁵

Parliament discussed the Council's common position at a second reading on 22 May 1996 and approved it, subject to 23 proposed amendments.

The Commission has examined the amendments proposed by Parliament at its second reading and has included a number of them in this reexamined proposal.

The Commission's position on each of the amendments approved by Parliament at its second reading is as follows:

Amendments 1, 2 and 3

These amendments require the introduction of the "critical load concept" which was developed in the context of United Nations protocols on trans-boundary pollution. This concept is applicable only to a very limited number of substances (having an acidifying effect); it is not appropriate for most of the substances covered by the Directive. Furthermore, the impact of acid depositions largely depends on the types of soil on which they occur and it varies greatly from one European region to another. Accordingly, this concept appears to fall outside the scope of the Directive, which deals with concentrations of pollutants in the ambient air and not with the problem of depositions. Moreover, the geographical variability of critical loads will make it impossible to set harmonized limit values throughout the European Union. Consequently, these amendments are not accepted.

¹ OJ C 216, 16.8.1994.

² OJ C 110, 2.5.1995, p. 5.

³ OJ C 116, 3.7.1995, p. 173.

⁴ OJ C 28, 13.9.1995, p. 10.

⁵ OJ C 59, 28.2.1996, p. 24.

Amendments 4, 7 (target values), 8 (part 2) and 9

These amendments seek to generalize the concept of "target values". This concept, which did not appear in the Commission's original proposal, was introduced during discussions at the Council to enable the problem of air pollution by ozone to be tackled in the most appropriate way. In general, the Directive provides for two types of value:

- the limit value, which is legally binding and which must not be exceeded in any of the Member States after a certain date. If this value is exceeded, steps must be taken to ensure that it is complied with in the future;
- the alert threshold: if this figure is exceeded, the general public must be informed.

Target values constitute long term objectives, and there are no precise and binding requirements that they should be met. Experience has shown that they were not operative. Moreover, as in the case of limit values based on objective criteria for health and environmental protection, it is difficult to understand on what basis such target values would be set. Finally, the introduction of yet more values and value types does not make it any easier to inform the general public simply and comprehensibly.

The "target value" concept is acceptable only in the case of ozone in view of the particular nature of the problem: ozone, being a secondary pollutant, requires special measures and it is uncertain whether, on the basis of present knowledge, it is possible to lay down a limit value which can be met in the near future.

Accordingly, these amendments are not accepted.

Amendments 5 and 12

On the basis of these amendments, it is proposed to reduce from 250 000 to 100 000 the population concentration in excess of which a measurement network must be established, and to add a third category of zones.

The Directive already lays down that ambient air quality must be assessed - using a whole range of methods - throughout the territory of the Member States and that measurement networks must be established in all zones where concentrations exceed or may exceed the limit values. In addition, there must be a measurement network in all areas having a population of more than 250 000, whatever the levels of pollution. This system ensures that concentrations in the ambient air will be assessed everywhere and, in all cases, measured in areas which have a high population density or a high pollution level, without obliging small towns which have no pollution problems to introduce and pay for an unnecessary measurement network.

Industrial areas need not be included since, in most cases, they will be zones within which levels exceed the limit values.

Accordingly, these two amendments have not been included.

Amendment 6

This amendment, under which the information collected pursuant to the Directive is to be made available to the public, is in line with Community policy and is consequently accepted.

Amendment 10

This amendment seeks to set a time limit of five years for the margin of tolerance for limit values. The purpose of this margin of tolerance is to allow a period of time within which measures to reduce concentrations and to comply with limit values can be implemented. This period may well be different for each substance, given the levels concerned and the more or less complex nature of the measures to be adopted. Moreover, if too short a period is laid down, the limit values may be less rigorously complied with.

This amendment is not accepted.

Amendments 8 (part 1), 11 and 14

These amendments bring useful additions to the text of the Directive and will enable it to be implemented more swiftly and effectively. They are therefore accepted.

Amendments 7 (timetable), 16, 17, 18, 19, 20, 21 and 22

These various amendments are aimed at speeding up the timetable for future directives on benzene and carbon monoxide and at introducing a third list of substances to be considered in future.

The principle of these amendments is acceptable, subject to the following reservations:

- the proposed deadline cannot be met in practice: December 1997 is the most realistic date for the Commission;
- although it is feasible to consider the possibility of setting quality objectives for new substances, it is premature to draw a list of such substances at present.

Amendments 13, 15 and 23

These amendments are not acceptable as they are incompatible with the other provisions of the Directive.

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Text of the common position

Article 3, second paragraph (new)

Article 4 (1)

1. For those pollutants listed in Annex I, the Commission shall submit to the Council proposals for the setting of limit values and, as appropriate, alert thresholds according to the following timetable:

- no later than 31 December 1996 for pollutants 1 to 5
- in accordance with Article 8 of Directive 92/72/EEC for ozone;

- as soon as possible, and no later than 31 December 1999, for pollutants 7 to 13.

Article 4 (2)

2. The Commission shall be responsible, taking account of the most recent scientific-research data in the epidemiological fields concerned and of the most recent advances in metrology, for re-examining the elements on which the limit values and alert thresholds referred to in paragraph 1 are based.

Reexamined proposal

Article 3, second paragraph (new)

At the same time that they supply it to the Commission, the Member States shall make the above information available to the public by every appropriate means.

Article 4 (1)

1. For those pollutants listed in Annex I, the Commission shall submit to the Council proposals for the setting of limit values and, as appropriate, alert thresholds according to the following timetable:

- no later than 31 December 1996 for pollutants 1 to 5
- in accordance with Article 8 of Directive 92/72/EEC for ozone;
- no later than 31 December 1997 for pollutants 7 and 8;
- as soon as possible, and no later than 31 December 1999, for pollutants 9 to 13.

Article 4 (2)

2. The Commission shall be responsible, taking account of the most recent scientific-research data in the epidemiological and environmental fields concerned and of the most recent advances in metrology, for re-examining the elements on which the limit values and alert thresholds referred to in paragraph 1 are based.

Article 4 (7)

7. When a Member State intends to set limit values or alert thresholds for pollutants not referred to in Annex I and not covered by Community provisions concerning ambient air quality in the Community, it shall inform the Commission thereof in sufficient time to allow examination of the need to act at Community level following the criteria laid down in Annex III.

Article 11 (1) (a) (iii)

Send to the Commission the plans or programmes referred to in Article 8 (3) no later than two years after the end of the year during which the levels were observed;

Annex I

I. Pollutants governed by existing ambient air quality directives

7. Benzene
8. Polycyclic aromatic hydrocarbons
9. Carbon monoxide
10. Cadmium
11. Arsenic
12. Nickel
13. Mercury

Article 4 (7)

7. When a Member State intends to set limit values or alert thresholds for pollutants not referred to in Annex I and not covered by Community provisions concerning ambient air quality in the Community, it shall inform the Commission thereof in sufficient time. The Commission shall be required to supply, in sufficient time, an answer to the question of the need to act at Community level following the criteria laid down in Annex III.

Article 11 (1) (a) (iii)

Send to the Commission the plans or programmes referred to in Article 8 (3) no later than one year after the end of the year during which the levels were observed;

Annex I

I. Pollutants to be studied at an initial stage, including pollutants governed by existing ambient air quality directives

II. Other air pollutants

7. Benzene
8. Carbon monoxide
9. Polycyclic aromatic hydrocarbons
10. Cadmium
11. Arsenic
12. Ni compounds classified as carcinogens under Directive 67/548/EEC
13. Mercury

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