



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.03.1999

COM(1999)93 final

97/0266 (SYN)

Re-examined proposal for a

COUNCIL DIRECTIVE

relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air

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

EXPLANATORY MEMORANDUM

On 8 October 1997 the Commission adopted a Proposal for a Council Directive relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (COM(97)500 final – 97/0266 SYN).

The proposal was forwarded to the Council by letter on 21 November 1997 (O.J. C 9, 14.1.1998, p. 6) (co-operation procedure pursuant to Article 130 S paragraph 1);

The Economic and Social Committee gave its opinion on 29 April 1998 (O.J. C 214, 10.7.98, p.98);

The European Parliament gave its opinion (first reading) at its sitting of 13 May 1998;

The Commission adopted an amended proposal COM(98) 386 final (O.J. C 259, 18.8.98, p.10) on 8 July 1998;

At its meeting on 16 June 1998 the Council reached a political agreement with a view to adopting a common position;

The Council's common position was adopted on 24 September 1998 (O.J. C 360, 23.11.98, p.99)

The European Parliament gave its opinion (second reading) at its sitting of 11 January 1999.

The Commission has examined the amendments proposed by Parliament at its second reading and has included a number of them in this re-examined proposal. In this memorandum the Commission's position on each of the amendments approved by Parliament at its second reading is explained.

The Commission can accept amendments which improve the accuracy or clarity of the text, which remove areas of ambiguity or which increase transparency during implementation. The Commission cannot accept the amendments which, in its opinion, could not be implemented across the Community as a whole.

The Commission can therefore accept amendments 3,4,5 and 8 without reservation as these amendments all improve the clarity or accuracy of the proposal or will improve transparency during implementation. The Commission can also accept amendment 1 for the most part.

Amendment 1 (Article 2)

Amendment 1 deals with the definition of "natural events" which may be discounted for the purposes of determining compliance with limit values for particulate matter. The first part would replace "seismic activities" with "geothermal activities". The Commission considers that "seismic activities" should remain part of the definition. But it agrees that "geothermal activities" could be added as these too could lead to uncontrollable emissions of particulate matter. The second part of the amendment will add "exceptional" before "high wind events". This is consistent with article 5, which

makes clear that only concentrations significantly in excess of normal background levels from natural sources should be discounted.

Amendment 3 (Article 8(1))

Amendment 3 corrects a terminological inconsistency in the proposal. It also spells out in more detail how the public should be informed of the relationship between concentrations of pollution and limit values. The Commission agrees that public information should be clear on this point.

Amendment 4 (Article 8(2))

Under Article 8(3) of Directive 96/62/EC plans or programmes for attaining limit values must be made available to the public. Amendment 4 makes clear that the requirement applies also in zones and agglomerations in which concentrations of sulphur dioxide due to natural events, or concentrations of particulate matter due to natural events or winter road sanding are being discounted.

Amendment 5 (Article 10, new)

Amendment 5 makes clear that the Commission will consider whether alert thresholds should be set for particulate matter when it reports, by December 31, 2003 at the latest, on implementation of the proposal. Although the Commission did not feel it possible to propose alert thresholds for particulate matter at present it agrees that the question should be reconsidered in due course.

Amendment 8 (Annexes I to IV)

The proposal will set margins of tolerance in relation to some limit values. These margins determine which zones and agglomerations must prepare attainment plans or programmes. They decline to zero by the time each limit value must be met. Amendment 8 corrects a technical error in the formulation which determines the date at which the margin of tolerance first decreases.

Amendment 2 (Article 3(3))

Amendment 2 would remove the words "where practicable" from the requirement in Article 3 of the proposal that Member States should report exceedances of the WHO 10 minute guideline for sulphur dioxide. The Commission considers it desirable to have the most comprehensive picture possible of any exceedances of this guideline but accepts that it is not practical for certain Member States to report such data.

Amendments 6 (Annex I point 1), 7 (Annex I point 3), 9 (Annex II point 1), 10 (Annex III points 1 and 2)

Amendments 6, 9 and 10 propose returning limit values for sulphur dioxide and particulate matter which are to be met by 2005 to the levels originally proposed by the Commission. Amendment 7 would tighten the limit value for sulphur dioxide to protect ecosystems beyond the level of the Commission's original proposal. The Commission regrets in particular the weakening of its original proposal. But it accepts that in a number of Member States it would not be possible to meet tighter limit values than those contained in the common position over the relatively short

timescale which it sets up. The Commission will re-examine the question of limit values for sulphur dioxide and particulate matter when it reports on implementation of the proposal in accordance with Article 10. In the meantime, the proposal permits those Member States who can proceed more quickly to do so.

Amendment 11 (Annex III)

The Common Position includes indicative limit values for particulate matter (PM₁₀), to be met by 2010. These will be reviewed in the light of the most recent evidence when the Commission reports on implementation of the proposal at the latest by 31 December 2003. Amendment 11 would make these limit values mandatory before review. The Commission is of the opinion that, given the uncertainties relating to the effects and sources of particulate matter, and the fact that much new research is now underway, it will be necessary to consider up-to-date evidence on particulate matter in a few years' time before finally determining whether these limit values should be mandatory.

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Text of the Common Position

Re-examined proposal

Article 2(15)

"natural events" shall mean volcanic eruptions, seismic activities, wild-land fires, high wind events or the atmospheric resuspension or transport of natural particles from dry regions;

"natural events" shall mean volcanic eruptions, seismic activities, geothermal activities, wild-land fires, exceptional high-wind events or the atmospheric resuspension or transport of natural particles from dry regions;

Article 8(1), third paragraph,

Such information shall at least indicate any excesses of the concentrations in the limit values and alert thresholds over the averaging periods laid down in Annexes I to IV. It shall also provide a short assessment in relation to limit values and alert thresholds and appropriate information regarding effects on health.

Such information shall at least indicate any exceedances of the concentrations and, wherever practicable, whether the pollution levels are above, below or equal to the limit values and alert thresholds over the averaging periods laid down in Annexes I to IV. It shall also provide a short assessment in relation to limit values and alert thresholds and appropriate information regarding effects on health.

Article 8(2)

When making plans or programmes available to the public under Article 8(3) of the Directive 96/62/EC, Member States shall also make them available to the organisations referred to in paragraph 1.

When making plans or programmes available to the public under Article 8 (3) of the Directive 96/62/EC, including plans or programmes made for those zones or agglomerations designated by Member States under Articles 3 (4), 5 (4) and 5(5) Member States shall also make them available to the organisations referred to in paragraph 1.

Article 10, second paragraph (a) (new)

The Commission will give particular attention to setting alert thresholds, consistent with other pollutants in this directive, for PM10, PM2.5 or particular fractions of particulate matter, as appropriate.

Annexes I to IV

(* The date will be the first or second 1 January after the entry into force of this directive.

(* The date will be the first or second 1 January after the date of implementation of this directive.

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