

Ambient air quality and cleaner air for Europe

2005/0183(COD) - 28/08/2007 - Council position

Almost half of the 59 European Parliament's first-reading amendments, were incorporated into the Council's common position either verbatim, in part or in spirit. The remaining amendments were considered unnecessary or undesirable by the Council.

In addition, the common position presents the following major changes of substance:

- a non-binding target value for PM2,5 in 2010 to be replaced by a binding limit value in 2015 (25mg/m³ for both target value and limit value);
- the possibility of postponing attainment of the limit value for PM10 until three years after entry into force of this Directive;
- the possibility of postponing the deadlines for nitrogen dioxide (NO₂) and benzene by a maximum of five years (until 1 January 2015);
- the principle that limit values should apply everywhere, but in certain locations compliance with limit values should not be assessed.

With regard to Parliament's amendments, the Council's position is as follows :

Assessment of air quality: the common position does not take up certain of Parliament's amendments. The Council believes that modelling techniques should not be compulsory but an option for Member States. It also believes that daily measurements should not be mandatory where there are no daily limit values. The common position has introduced major modifications to Annex III of the directive which determines in more detail the minimum requirements on how the assessment throughout the territory of the Member State has to be performed. Annex III includes a restrictive definition of specific areas where compliance with the limit values aiming at the protection of human health is not to be assessed. Criteria for locating the sampling points for pollutants with established limit values in Annex III have also been streamlined to apply in the same manner for all pollutants. The common position also addresses in Annex VI the timing of compliance of the existing equipment in the monitoring network with the provisions of the new CEN standards determining the reference methods that were introduced in the Commission proposal.

Air quality management: the common position establishes a two stage approach for the regulation of fine particles (PM2.5), taking on board, fully or partly, several of Parliament's amendments. It replaces in Annex XIV the PM2.5 concentration cap of 25g/m³, to be attained in 2010, with the introduction of a non-binding, target value with the same level in 2010, and the legally binding limit value in 2015. The exposure reduction target has been expanded from a single 20% reduction provision to a sliding scale for exposure reduction indicator with values in the 7-13g/m³ range. Provisions of the common position also allow 3 different options for fixing the base exposure reduction indicator, to allow time to set proper PM2.5 monitoring stations. The text now refers to a national PM2.5 exposure reduction target for the protection of human health. The calculation of the national exposure reduction target was revised in order to ensure differentiation among Member States, taking into consideration their concentration levels.

The common position also gives to Member States the possibility of subtracting excess amounts attributable to winter-sanding or -salting of roads. PM2.5 levels are affected by road-sanding to some extent in all cases. Section A of Annex III was re-drafted maintaining the principle that limit values apply everywhere.

Air quality plans: Parliament's proposals concerning industrial installations and application of best available techniques could not be accepted. The Council concluded that the application of the best available techniques in IPPC installations may not be enough in all cases. Certain amendments would require changes to some provisions of the IPPC Directive. The Council also decided that Member States should draw up short-term action plans when there is a risk that one or more of the alert thresholds will be exceeded. For ozone, the obligation is linked to the actual potential to reduce the risk, duration or severity of the exceedance. Member States may, on a voluntary basis, draw up short-term action plans if the limit values or target values are exceeded.

Flexibility on implementation: while the Commission proposal introduced an absolute deadline (1 Jan 2010) for prolongation of the PM10 limit value attainment date, the common position sets the maximum deadline at 3 years after the directive enters into force. The common position maintains the conditions which have to be satisfied in order to be granted the prolongation. Time extension provisions for benzene and nitrogen dioxide have not been altered. The option for the fine particulate matter PM2.5 has been eliminated after moving the PM2.5 attainment date from 2010 in the original Commission proposal to 2015. The option of applying for an extension for sulphur dioxide, carbon monoxide and lead has been eliminated.

Information and reporting: the Council believes that if the relevant information is made available to the public, it is not necessary to specify industrial federations as proposed in European Parliament's amendments. The common position also includes the Commission's obligation to publish examples of best practices for the drawing up of short-term action plans, two years after the entry into force of the directive.

The review clause was broadened and modified in order to include the possibility of introducing a legally binding exposure reduction obligation for PM2.5 and to review the provisions of other pollutants, as appropriate. The Council proposes that Member States bring into force all the necessary provisions to comply with the air quality directive by 24 months – not 12 months as suggested by the European Parliament– after its entry into force.

The Council concludes that the common position represents a balanced package that would provide for a strong improvement of air quality in Europe and for sufficient flexibility for Member States that, despite their efforts, cannot meet the air quality standards.