

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2005/0183(COD) Procedure completed
Ambient air quality and cleaner air for Europe Repealing Directive 96/62/EC <a href="#">1994/0106(SYN)</a> Repealing Directive 1999/30/EC <a href="#">1997/0266(SYN)</a> Repealing Directive 2000/69/EC <a href="#">1998/0333(COD)</a> Repealing Directive 2002/3/EC <a href="#">1999/0068(COD)</a> See also <a href="#">2020/2091(INI)</a>	
Subject 3.70.02 Atmospheric pollution, motor vehicle pollution	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health and Food Safety	ALDE <a href="#">KRAHMER Holger</a>	14/12/2005
	Former committee responsible		
	<b>ENVI</b> Environment, Public Health and Food Safety	ALDE <a href="#">KRAHMER Holger</a>	14/12/2005
Council of the European Union	Former committee for opinion		
	<b>ITRE</b> Industry, Research and Energy	The committee decided not to give an opinion.	
	<b>JURI</b> Legal Affairs	The committee decided not to give an opinion.	
	Council configuration	Meeting	Date
<a href="#">Agriculture and Fisheries</a>	<a href="#">2862</a>	14/04/2008	
<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2811</a>	25/06/2007	
<a href="#">Environment</a>	<a href="#">2757</a>	23/10/2006	
<a href="#">Environment</a>	<a href="#">2740</a>	27/06/2006	
<a href="#">Environment</a>	<a href="#">2697</a>	02/12/2005	
European Commission	Commission DG <a href="#">Environment</a>	Commissioner DIMAS Stavros	

Key events			
21/09/2005	Legislative proposal published	<a href="#">COM(2005)0447</a>	Summary
15/11/2005	Committee referral announced in		

	Parliament, 1st reading		
02/12/2005	Debate in Council	<a href="#">2697</a>	Summary
21/06/2006	Vote in committee, 1st reading		Summary
27/06/2006	Debate in Council	<a href="#">2740</a>	Summary
30/06/2006	Committee report tabled for plenary, 1st reading	<a href="#">A6-0234/2006</a>	
25/09/2006	Debate in Parliament		
26/09/2006	Results of vote in Parliament		
26/09/2006	Decision by Parliament, 1st reading	<a href="#">T6-0362/2006</a>	Summary
28/08/2007	Council position published	<a href="#">16477/1/2006</a>	Summary
06/09/2007	Committee referral announced in Parliament, 2nd reading		
09/10/2007	Vote in committee, 2nd reading		Summary
17/10/2007	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A6-0398/2007</a>	
10/12/2007	Debate in Parliament		
11/12/2007	Decision by Parliament, 2nd reading	<a href="#">T6-0596/2007</a>	Summary
14/04/2008	Act approved by Council, 2nd reading		
21/05/2008	Final act signed		
21/05/2008	End of procedure in Parliament		
11/06/2008	Final act published in Official Journal		

### Technical information

Procedure reference	2005/0183(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 96/62/EC <a href="#">1994/0106(SYN)</a> Repealing Directive 1999/30/EC <a href="#">1997/0266(SYN)</a> Repealing Directive 2000/69/EC <a href="#">1998/0333(COD)</a> Repealing Directive 2002/3/EC <a href="#">1999/0068(COD)</a> See also <a href="#">2020/2091(INI)</a>
Legal basis	EC Treaty (after Amsterdam) EC 175
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/47055

### Documentation gateway

Legislative proposal	<a href="#">COM(2005)0447</a>	21/09/2005	EC	Summary
----------------------	-------------------------------	------------	----	---------

Document attached to the procedure		<a href="#">SEC(2005)1133</a>	21/09/2005	EC	Summary
Committee of the Regions: opinion		<a href="#">CDR0045/2006</a>	27/04/2006	CofR	
Amendments tabled in committee		<a href="#">PE374.011</a>	08/05/2006	EP	
Committee draft report		<a href="#">PE371.908</a>	16/05/2006	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0750/2006</a>	17/05/2006	ESC	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0234/2006</a>	30/06/2006	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0362/2006</a>	26/09/2006	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2006)4772</a>	19/10/2006	EC	
Council statement on its position		<a href="#">10388/2007</a>	12/06/2007	CSL	
Commission communication on Council's position		<a href="#">COM(2007)0320</a>	29/06/2007	EC	Summary
Committee draft report		<a href="#">PE392.253</a>	31/07/2007	EP	
Council position		<a href="#">16477/1/2006</a>	28/08/2007	CSL	Summary
Amendments tabled in committee		<a href="#">PE394.128</a>	24/09/2007	EP	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A6-0398/2007</a>	17/10/2007	EP	
Text adopted by Parliament, 2nd reading		<a href="#">T6-0596/2007</a>	11/12/2007	EP	Summary
Commission opinion on Parliament's position at 2nd reading		<a href="#">COM(2008)0163</a>	01/04/2008	EC	Summary
Draft final act		<a href="#">03696/2007/LEX</a>	21/05/2008	CSL	
Follow-up document		<a href="#">COM(2008)0403</a>	26/06/2008	EC	Summary
Follow-up document		<a href="#">SEC(2008)2132</a>	26/06/2008	EC	
Follow-up document		<a href="#">SWD(2019)0427</a>	28/11/2019	EC	
Follow-up document		<a href="#">SWD(2019)0428</a>	28/11/2019	EC	

#### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

#### Final act

[Directive 2008/50](#)  
[OJ L 152 11.06.2008, p. 0001](#) Summary

## Ambient air quality and cleaner air for Europe

**PURPOSE:** To streamline existing EU legislation on ambient air quality by merging five separate legal instruments into a single Directive and to introduce new provisions on PM 2.5.

**PROPOSED ACT:** Directive of the European Parliament and of the Council

**CONTENT:** In line with the 2002 'Better Regulation' initiative the Commission is proposing to streamline provisions relating to ambient air quality and cleaner air for Europe. More specifically speaking, the current proposal aims to merge the provisions of five separate legal

instruments into a single Directive with the intention of simplifying, streamlining and reducing the volume of existing legislation. Redundant provisions will be repealed, consistency between the separate legal acts improved and unnecessary obligations repealed. Non-essential reporting requirements will be repealed. Reporting and monitoring requirements will be simplified with a move towards electronic reporting. In addition, the proposal aims to revise substantially the existing provisions so as to incorporate the latest health and scientific developments and the experience of the Member States. As far as the scientific update is concerned the proposal seeks to update provisions on human exposure to PM<sub>2.5</sub> in ambient air. The five Directives to be streamlined are:

- Council Directive 96/62 ? a Framework Decision on ambient air quality assessment and management.
- Council Directive 1999/30 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air.
- Council and European Parliament Directive 2000/69 relating to limit values for benzene and carbon monoxide in ambient air.
- Council and European Parliament Directive 2002/3 relating to ozone in ambient air and
- Council Decision 97/101 establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States.

As far as PM<sub>2.5</sub> is concerned, the Commission suggests that the best way to proceed is the introduction of an exposure reduction target to be attained by 2020, to reduce the annual average urban background concentrations of PM<sub>2.5</sub> as a defined percentage rate of the Member States measured over 2008-2010 and to replace the indicative limit values for PM<sub>10</sub> for the year 2010 with a legally binding ?cap? for the annual average concentrations of PM<sub>2.5</sub> of 25µg/m<sup>3</sup> to be attained by 2010. Such a cap or ceiling would limit the overall risks associated with PM<sub>2.5</sub> to the population. The proposal also envisages a more comprehensive monitoring of certain pollutants.

For implementation purposes, the Commission proposes to set the objectives at a Community level with the Member States free to decide how to apply the Directive. This approach will ensure minimum standards of air quality for all citizens of the EU. At the same time, the Member States have a more precise knowledge of local circumstances and the measures that will deliver air quality benefits most cost-effectively.

The Commission proposes to review the provisions relating to PM<sub>2.5</sub> within five years of its adoption. It will develop and propose a detailed approach to establish legally binding exposure reduction obligations, which take account of differing future air quality situations and reduction potentials in the Member States. A further feature of the proposal is the requirement that Member States further the text of their national provisions to the Commission along with a correlation table between their provisions and those set out in the Directive.

Lastly, as far as the Community budget is concerned, the Commission points out that the research needs linked to the proposal will be covered by the Member States, with an EU contribution covered by the budget by the 7<sup>th</sup> Research Framework Programme.

## Ambient air quality and cleaner air for Europe

---

The Council held a policy debate on a thematic strategy on air pollution as well as the proposal for a directive on ambient air quality and cleaner air for Europe, both proposed by the Commission.

The debate covered, in particular, the following issues:

- the objectives up to 2020 reflected in the thematic strategy;
- the flexibility provided for in the proposed Directive for implementation by Member States with the aim of improving public health in a cost-effective manner (for example through the regulation of fine particles).

The Council's debate is intended to provide guidance for further work on air quality.

At the end of the debate, the President summarized as follows:

- most of the delegations think that the long term aims of the strategy can be considered in advance of legislative measures;
- however, it is necessary to examine the legislation under consideration by the Commission, in detail, using balanced impact assessment;
- the delegations broadly welcome the proposal for a new directive which is a good example of better regulation;
- it will be necessary in further negotiations on the directive to recognise the value of increased flexibility for member states to meet their obligations;
- it will also be important that public health considerations are maintained in the negotiations and that the aim of reducing people's exposure to air pollution, in particular fine particles, is remembered.

The level of ambition chosen for the strategy has been estimated to deliver at least EUR 42 billion per annum in health benefits. Attainment of these targets is estimated to cost approximately EUR 7.1 billion per annum (representing about 0.05% of EU-25 GDP in 2020).

## Ambient air quality and cleaner air for Europe

---

The committee adopted the report by Holger KRAHMER (ALDE, DE) amending the proposed directive on the quality of ambient air under the 1st reading of the codecision procedure. Although a large number of amendments were originally tabled, the main political groups agreed a compromise package at the committee meeting, introducing more flexibility over the time allowed to reach the proposed targets but with more safeguards to ensure that Member States take the measures needed to reduce pollution. The main amendments were as follows:

- whereas the Commission was proposing to keep the annual limit value in force under existing legislation for PM<sub>10</sub> (the largest particles) at 40µg/m<sup>3</sup>, the committee wanted the levels to be reduced to 30µg/m<sup>3</sup> on average per year from 2010;
- for PM<sub>2.5</sub> (fine particles, which do the most damage to human lungs), MEPs believed that it was too soon to set limit values, given the

current state of scientific knowledge. Instead they suggested initially setting a target value, which would be less binding - and lower - than that proposed by the Commission (20µg/m<sup>3</sup> from 2010 rather than 25µg/m<sup>3</sup>), then awaiting the revision of the directive scheduled for 2015 in order to set 20µg/m<sup>3</sup> as the limit value;

- in order to introduce more flexibility, the committee stipulated that the proposed 20% exposure reduction target for PM<sub>2.5</sub> should be the average level obtained for the EU and that the exposure reduction target should be differentiated among Member States in relation to their concentration levels;
- under certain conditions an additional five-year extension to the deadline for achieving the values for PM<sub>10</sub> or PM<sub>2.5</sub> should be allowed in particular zones or agglomerations, over and above the five-year extension originally proposed by the Commission;
- even where there are no daily limit values, measurements of pollutants should be carried out daily at the sampling points. MEPs also wanted to ensure a uniform system of locations for sampling points so that results are properly comparable throughout the Member States;
- lastly, MEPs wanted the directive to specify certain measures which should be taken at source to enable Member States to attain air quality limit values within the set time limits, namely: the inclusion of 20 to 50 MW combustion plants in the IPPC directive; EURO VI for heavy vehicles; new standards for domestic heating installations; and new standards for emissions from ships' engines, to be negotiated under the auspices of the IMO.

## Ambient air quality and cleaner air for Europe

---

Pending the opinion of the European Parliament at first reading, the Council agreed on a general approach on a draft directive on ambient air quality and cleaner air for Europe. The agreement was based on a Presidency compromise package, which includes several key elements:

- existing limit values are maintained without any changes;
- a binding limit value for PM<sub>2.5</sub> in 2015 will replace a non-binding target value applicable from 2010 (25µg/m<sup>3</sup> for both target value and limit value); Member States have to prepare air quality plans in order to attain target and limit value;
- an exposure reduction target for PM<sub>2.5</sub> with the aim of reducing air pollution in urban background locations; a review to be carried out by the Commission until 2013 with a view to replacing the target by a legally binding exposure reduction obligation;
- it follows the Commission's proposals and takes account of Member States' current difficulties in reaching air quality targets and allows for a time-limited extension of attainment dates for limit values under clearly defined conditions; for limit values which are already in force the possibility for postponement is limited to PM<sub>10</sub> until three years after entry into force of this Directive.

As soon as the opinion of the European Parliament is available, the Council will be able to reach political agreement on this file.

## Ambient air quality and cleaner air for Europe

---

The European Parliament adopted a resolution drafted by Holger Kraemer (ALDE, DE) by 571 votes in favour, 43 against and 18 abstentions. It made several amendments to the Commission's proposal with regard to limit values for pollutants, and the time allowed for compliance with the directive. It also called for more flexibility in achieving these targets, to allow Member States which have problems meeting the criteria more time to adjust.

The main points were as follows:

- Member States shall ensure that the values for sulphur dioxide, PM<sub>10</sub>, lead and carbon monoxide in the air do not exceed the limit values stated in the legislation anywhere in their territory.
- Parliament wants to reduce maximum concentration levels of the largest particles (PM<sub>10</sub>) to 33 µg/m<sup>3</sup> on average per year from 2010, as compared to the Commission's proposal to keep the limit at 40µg/m<sup>3</sup>. This figure applies unless this cannot be achieved because of site-specific dispersion characteristics, adverse meteorological or geographical conditions or significant transboundary contributions. Member States must lay down the exact number of days the limit value can be exceeded, up to a maximum of 55 days (rather than 35), and forthwith communicate to the Commission the text of that provision.
- For fine particles (PM<sub>2.5</sub>), which do the most damage to human lungs, Parliament stated that, as the available data for PM<sub>2.5</sub> are not yet sufficient in order to introduce a limit value, a target value should initially apply until such time as a concentration cap can enter into force.. However, it is lower than that proposed by the Commission (20µg/m<sup>3</sup> from 2010 instead of 25µg/m<sup>3</sup>).
- Parliament also wants greater flexibility over the goal of reducing the population's exposure to this type of pollution by 20% by 2020, by setting differing percentage reductions depending on the recorded concentration levels.
- The resolution called for more flexibility over allowing extensions to the deadline in areas or cities which fail to meet the criteria. Accordingly, where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide, benzene, PM<sub>10</sub> or the target value for PM<sub>2.5</sub> cannot be achieved by the deadlines specified, a Member State may postpone those deadlines by a maximum of four years from the entry into force of the Directive for that particular zone or agglomeration. The Member State must show that all appropriate measures have been taken at national, regional and local level to meet the deadlines referred to above. A plan or a programme must be drawn up for the zone demonstrating what measures will be taken in order to meet the limit or target values by the new deadline.
- Member States may postpone the deadlines for the limit values for PM<sub>10</sub> and the target value for PM<sub>2.5</sub> by an additional period of a maximum of two years for a particular zone or agglomeration, when the plan demonstrates that the limit or target values cannot be met. Again Member State must show that all appropriate measures have been taken at national, regional and local level to meet the deadlines.
- A definition was added for "emissions from natural sources", which will mean any substance present in the air which has not been directly or

indirectly created by human activity. In particular, they shall include emissions caused by natural events such as volcanic eruptions, earthquakes, geothermal activity, unintentional outdoor fires, sea salt or atmospheric resuspension or by atmospheric transport of natural particles from arid regions.

- If the necessary Community measures to reduce emissions at the source, as referred to in the directive, have not entered into force by 1 January 2010, a Member State shall be granted a derogation period for PM<sub>2.5</sub> and PM<sub>10</sub> of two years from 1 January 2010 onwards, if it is taking the necessary steps to reduce air pollution. The total derogation period shall not exceed the periods specified above.

- Parliament added new articles mentioning the measures to be taken by the Member States to reduce atmospheric pollution, notably the inclusion of 20 to 50 megawatt combustion plants in IPPC Directive 96/61/EC, heavy goods vehicles (Euro VI norms), the installation of domestic heating systems and measures to be co-ordinated at the European level to encourage ship-owners to reduce their pollution.

- The necessity for compliance with the targets for nitrogen dioxide will be extended from 2010 to 2014 without conditions.

## Ambient air quality and cleaner air for Europe

---

The European Parliament gave its opinion at first reading on 26 September 2006. The Commission accepted totally, in part or in principle 29 of the 59 amendments proposed by the European Parliament in the first reading. 16 out of 29 are already at least in part reflected in the common position.

The Commission accepted all amendments which would lead to further streamlining, greater clarity or improved the information given to the public. On the other hand, the Commission rejected, in particular, amendments which would reduce the level of protection of public health either below the level of the existing legislation or, as regards the exposure reduction objective for fine particulate matter PM<sub>2.5</sub>, below the level of ambition set in the Thematic Strategy on Air Pollution. The Commission also rejected amendments which it considers introduce requirements that could not be achieved in the specified timeframe, or limit the scope for action of the national, regional and local authorities to pursue effective implementation of the directive.

The major impediments to achieving 1st reading agreement have been different views on the exact degree of flexibility, on the need to modify the existing particulate matter PM<sub>10</sub> standards and the stringency and legal nature of the new fine particulate matter PM<sub>2.5</sub> standard.

In the common position the Member States confirmed the Commission's initial position to keep the existing standards unchanged while allowing some more flexibility with regard to achieving compliance with the particulate matter PM<sub>10</sub> limit values, and slightly modified the new PM<sub>2.5</sub> standards.

The Commission can support the common position, as the balance of the Commission proposal between the strong public health concern, which calls for strong and continuous action to improve air quality in certain areas and the introduction of ambitious legally binding PM<sub>2.5</sub> standards, and the flexibility introduced to facilitate implementation, has nevertheless been maintained. The common position also maintains the clear commitment to review in 5 years the standards related to the fine particulate matter with a view to make the exposure reduction target legally binding.

The common position includes additional provisions such as a requirement for the Commission to prepare guidance on the determination of contributions from the natural sources and winter sanding. The Commission welcomes these additions as they will facilitate more harmonized approach to the implementation of the directive across the European Union.

The Commission would have preferred that some specific provisions of the proposal, in particular those related to the minimum air quality monitoring requirements, would have been maintained. However it recognizes that the common position represents an important improvement compared to the arrangements under the existing directives and therefore supports it.

## Ambient air quality and cleaner air for Europe

---

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 PM<sub>2.5</sub> in 2010 to be replaced by a binding limit value in 2015 (25µg/m<sup>3</sup> for both target value and limit value);
- the possibility of postponing attainment of the limit value for PM<sub>10</sub> until three years after entry into force of this Directive;
- the possibility of postponing the deadlines for nitrogen dioxide (NO<sub>2</sub>) 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 (PM<sub>2.5</sub>), taking on board, fully or partly, several of Parliament's amendments. It replaces in Annex XIV the PM<sub>2.5</sub> concentration cap of 25µg/m<sup>3</sup>, 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 7-13 µg/m<sup>3</sup> range. Provisions of the common position also allow 3 different options for fixing the base exposure reduction indicator, to allow time to set proper PM<sub>2.5</sub> monitoring stations. The text now refers to a national PM<sub>2.5</sub> 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. PM<sub>2.5</sub> 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 PM<sub>10</sub> 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 PM<sub>2.5</sub> has been eliminated after moving the PM<sub>2.5</sub> 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 PM<sub>2.5</sub> 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.

## Ambient air quality and cleaner air for Europe

---

The Committee on the Environment, Public Health and Food Safety adopted the report by Holger KRAHMER (ALDE, DE) amending, at 2<sup>nd</sup> reading of the codecision procedure, the Council's common position adopting a directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe.

The committee reinstated a certain number of amendments from the first reading which were not accepted by the Council in its common position:

Smallest particles (PM<sub>2.5</sub>): the Committee adopted amendments related to PM<sub>2.5</sub> and the review clause and called to maintain the more stringent target and limit value of 20 µg/m<sup>3</sup> in 2010 instead of 25 µg/m<sup>3</sup>. Although ambitious, this value should be legally binding and will likely be attained in most parts of Europe by 2015.

Largest particles (PM<sub>10</sub>): the committee suggested reducing the limit values of PM<sub>10</sub> to 33 µg/m<sup>3</sup> on average/year from 1 January 2010, although the Council proposed maintaining 40 µg/m<sup>3</sup> without setting a date. For daily limits of the same particles, that is 50 µg/m<sup>3</sup>, should not be exceeded more than 35 times a calendar year according to the Council, the Parliament is in line with the common position.

Postponing deadlines and exemptions: where, in a given zone or agglomeration, conformity with the limit values for PM<sub>10</sub> as specified in Annex XI cannot be achieved because of site-specific dispersion characteristics, adverse climatic conditions or transboundary contributions, Member States shall be exempt from the obligation to apply those limit values (during a period of 3 years from the entry into force of the Directive) provided that specific conditions are fulfilled and that the Member State shows that all appropriate measures have been taken at national, regional and local level to meet the deadlines.

The committee calls on the Member States to postpone the deadlines for the limit values for PM<sub>10</sub> and PM<sub>2.5</sub> by an additional period of 2 years for a particular zone or agglomeration when the air quality plan demonstrates that the limit values cannot be met, if the Member State shows that all appropriate measures have been taken at national, regional and local level to meet the deadlines.

Air quality plans: in the event of exceedances of those limit values for which the attainment deadline has already expired, the air quality plan shall set out appropriate measures, and may additionally include measures to specifically protect children's health, so that the exceedance period can be kept as short as possible. These actions plans also include specific actions to protect sensitive populations. The Commission is invited to specifically publish examples of best practices for the protection of sensitive populations, including children, within those action plans.

Situation of sampling points (Annex III): the committee reintroduced an amendment from first reading which stipulates that in certain places within a Member State which are not relevant for the exposure of the population there is no need to assess the limit values. These include places where the general public is not directly or indirectly exposed for a significant period.

Measures relating to emission sources: the committee has introduced a new annex XVIa which states that the 2 years following the entry into force of the Directive, the Commission shall submit proposals for binding EU legal provisions dealing with pollution sources and being concerned with stricter emission limit values. These proposals shall deal with the following sectors and emitters, in which emissions of pollutants must be reduced: i) standards for all relevant stationary installations which emit pollutants, for example inclusion of combustion

plants from 20 to 50 Megawatts in Directive 96/61/EC; ii) standards for motorised vehicles or craft of all sizes and classes travelling by land, air and sea; e.g. EURO VI for heavy vehicles, measures coordinated at Community level to encourage or oblige (inland)ship owners to reduce emissions, or agreements on emissions from ships' engines under the auspices of IMO; iii) new standards for domestic heating installations; iv) engines and construction machines; v) agriculture (inter alia fertilisation and livestock breeding).

Every 5 years, the Commission shall submit to the European Parliament and the Council a progress report on the measures and their implementation in the Member States.

Review: the Commission is asked to ascertain whether it is sufficient to continue to set limit values for PM10 or whether these should be replaced with limit values for PM2.5.

Lastly, various amendments on technical provisions, endorsed by the European Parliament in first reading, have been retabled such as on mandatory modelling techniques; on the uniform application of the criteria for selecting sampling points; the diffusion of information to all stakeholders and the date for Member States to comply with the directive (1 year after the date of entry into force as opposed to 2 years proposed by the Council).

## Ambient air quality and cleaner air for Europe

---

The European Parliament adopted a resolution drafted by Holger KRAHMER (ALDE, DE) and made some amendments to the Council's common position on ambient air quality and cleaner air for Europe. Parliament and Council agreed on a package of compromise amendments:

**Smallest particles (PM2.5):** for particles with a diameter of less than 2.5 micrometres (PM2.5), Parliament and Council agreed on an initial target value of 25µg/m<sup>3</sup> from 2010. From 2015, this figure would become a binding limit. Parliament successfully argued for a second limit value - an indicative one - of 20µg/m<sup>3</sup> to be achieved by 1 January 2020, five years after the first limit. The European Commission must review this indicative figure in 2013 to confirm the value laid down (20µg/m<sup>3</sup>) or to propose that it be altered. Parliament also introduced the notion of an "exposure concentration obligation", meaning "a level fixed on the basis of the average exposure indicator with the aim of reducing harmful effects on human health, to be attained over a given period". When the Commission carries out its 2013 review of PM2.5, this exposure concentration obligation must also be reviewed.

**Largest particles (PM10):** no modification of the annual PM10 limit value is included in the compromise package.

**Postponing deadlines and exemptions:** where, in a given zone or agglomeration, conformity with the limit values for PM10 as specified in Annex XI cannot be achieved because of site-specific dispersion characteristics, adverse climatic conditions or trans-boundary contributions, a Member State shall be exempt from the obligation to apply those limit values until 3 years after the date of entry into force of the Directive provided that specific conditions are fulfilled and that the Member State shows that all appropriate measures have been taken at national, regional and local level to meet the deadlines.

In its assessment, the Commission shall take into account estimated effects on ambient air quality in the Member States, at present and in the future, of measures that have been taken by the Member States as well as estimated effects on ambient air quality of current Community measures and planned Community measures to be proposed by the Commission.

**Air quality plans:** the air quality plan may additionally include specific measures aiming at the protection of sensitive population groups, including children. These actions plans also include specific actions to protect sensitive populations. The Commission is invited to specifically publish examples of best practices for the protection of sensitive populations, including children, within those action plans.

**Short-term action plans:** these may include measures in relation to motor-vehicle traffic, construction works, ships at berth, and the use of industrial plants or products and domestic heating. Specific actions aiming at the protection of sensitive population groups, including children, may also be considered in the framework of those plans. For the first time before 2 years after entry into force of the Directive, and at regular intervals thereafter, the Commission shall publish examples of best practices for the drawing-up of short-term action plans, including examples of best practices for the protection of sensitive population groups, including children.

**Situation of sampling points:** the application in Member States of the criteria for selecting sampling points shall be monitored by the Commission so as to facilitate the harmonised application of those criteria throughout the European Union.

**Review:** as regards PM2.5, the 2013 review shall be undertaken with a view to establishing a legally binding national exposure reduction obligation in order to replace the national exposure reduction target and to review the exposure concentration obligation, taking into account certain specified elements. The Commission shall take into account the feasibility of adopting a more ambitious limit value for PM2.5, shall review the indicative limit value of the second stage for PM2.5 and consider confirming or altering that value. As part of the review, the Commission shall also prepare a report on the experience and on the necessity of monitoring of PM10 and PM2.5.

**Average exposure indicator:** the AEI for the year 2015 shall be the 3-year running mean concentration averaged over all those sampling points for the years 2013, 2014 and 2015. The AEI is used for the examination whether the exposure concentration obligation is met. Where the AEI in the reference year is 8.5 µg/m<sup>3</sup> or less the exposure reduction target shall be zero. The reduction target shall be zero also in cases where the AEI reaches the level of 8.5 µg/m<sup>3</sup> at any point of time during the period from 2010 to 2020 and is maintained at or below that level.

**Transposition:** 2 years after entry into force of the Directive.

Furthermore, amended recitals state the following:

- where possible modelling techniques should be applied to enable point data to be interpreted in terms of geographical distribution of concentration. This could serve as a basis for calculating the collective exposure of the population living in the area;
- the availability of necessary Community measures reflecting the chosen ambition level in the Thematic Strategy on air pollution to reduce emissions at source will be important for an effective emission reduction by the timeframe established in this Directive for compliance with the limit values and should be taken into account when assessing requests to postpone deadlines for compliance;
- the necessary Community measures to reduce emissions at source, in particular measures to improve the effectiveness of Community legislation on industrial emissions, to limit the exhaust emissions of engines installed in heavy duty vehicles, to further reduce the Member States' permitted national emissions of key pollutants and the emissions associated with refuelling of petrol cars at service stations, and to

address the sulphur content of fuels including marine fuels should be duly examined as a priority by all institutions involved;

- full account will be taken of the ambient air quality objectives provided for in the Directive, where permits are granted for industrial activities pursuant to Council Directive 96/61/EC on integrated pollution prevention and control.

## Ambient air quality and cleaner air for Europe

---

At its plenary session of 11 December 2007, the European Parliament adopted a compromise package consisting of 26 amendments which had been agreed with the Council in view of reaching a second reading agreement.

The Commission accepts all amendments. The conclusion of the compromise package has been facilitated by the adoption of a declaration by the Commission on the Community measures necessary for reducing emissions at source.

## Ambient air quality and cleaner air for Europe

---

**PURPOSE:** to streamline existing EU legislation on ambient air quality by merging five separate legal instruments into a single Directive and to introduce new provisions on PM2.5.

**LEGISLATIVE ACT:** Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe.

**CONTENT:** the Council adopted a directive aimed at improving ambient air quality across Europe, approving all amendments voted by the European Parliament in second reading.

The directive is part of the EU's strategy on air pollution which is aimed at reducing the number of premature deaths from air pollution-related diseases by 40% by 2020 from the 2000 level, as well as reducing damage to forests and ecosystems from airborne pollutants.

The directive stresses the importance of combating emissions of pollutants at source and identifying and implementing emission reduction measures at local, national and Community level.

More specifically, the directive lays down measures aimed at:

- establishing objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and on the environment;
- assessing the ambient air quality in the EU on the basis of common methods and criteria;
- obtaining information on ambient air quality in order to monitor long-term trends and improvements, and ensuring that such information is made available to the public;
- maintaining air quality where it is good, and improving it in other cases;
- promoting increased cooperation between EU countries in reducing air pollution.

The new measures have been designed to combat emissions of harmful air pollutants, taking into account latest health and scientific developments and experience gained, as well as relevant World Health Organisation standards, guidelines and programmes.

While covering all major air pollutants, the directive pays special attention to particulates and ground-level ozone pollution because of their danger for human health. The new provisions seek to achieve a general reduction of concentrations of fine particulates, known as PM2.5, in the urban environment in order to ensure that large sections of the population benefit from improved air quality.

The new directive is also intended to provide greater clarity, simplicity and efficiency by replacing five existing legal instruments:

- the directive on ambient air quality assessment and management (96/62/EC);
- the directive on limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead (1999/30/EC);
- the directive on limit values for benzene and carbon monoxide (2000/69/EC);
- the directive on ozone (2002/3/EC);
- the decision on exchange of information from stations measuring ambient air pollution (97/101/EC).

As regards information and reporting, Member States shall make available to the public annual reports for all pollutants covered by this Directive. Those reports shall summarise the levels exceeding limit values, target values, long-term objectives, information thresholds and alert thresholds, for the relevant averaging periods

In 2013 the Commission shall review the provisions related to PM2.5 and, as appropriate, other pollutants, and shall present a proposal to the European Parliament and the Council.

As regards PM2.5, the review shall be undertaken with a view to establishing a legally binding national exposure reduction obligation in order to replace the national exposure reduction target and to review the exposure concentration obligation, taking into account, inter alia, the following elements: i) latest scientific information from WHO and other relevant organisations; ii) air quality situations and reduction potentials in the Member States; iii) the revision of Directive 2001/81/EC; iv) progress made in implementing Community reduction measures for air pollutants.

The Commission shall take into account the feasibility of adopting a more ambitious limit value for PM2.5, shall review the indicative limit value of the second stage for PM2.5 and consider confirming or altering that value.

As part of the review, the Commission shall also prepare a report on the experience and on the necessity of monitoring of PM10 and PM2.5, taking into account technical progress in automatic measuring techniques. If appropriate, new reference methods for the measurement of PM10 and PM2.5 shall be proposed.

**TRANSPOSITION:** before 11/06/2010.

**ENTRY INTO FORCE:** 11/06/2008.

## Ambient air quality and cleaner air for Europe

---

The Commission presents a communication on notifications of postponements of attainment deadlines and exemptions from the obligation to apply certain limit values pursuant to Article 22 of Directive 2008/50/EC on ambient air quality and cleaner air for Europe.

It should be recalled that, this Directive gives Member States the possibility of notifying the Commission that, subject to the Commission's assessment, they intend to postpone the deadline for attaining compliance with the limit values for nitrogen dioxide or benzene in zones or agglomerations where those limit values cannot be complied with by 1 January 2010, or that they meet the conditions for being exempt from the obligation to apply the limit values for particulate matter (PM<sub>10</sub>). If the Commission considers that the conditions for a postponement or an exemption have not been met, it may raise objections within nine months of receipt of the notification.

The purpose of this Communication is to facilitate preparation, submission and accurate assessment of the notifications, by indicating the Commission's interpretation of the conditions laid down in Directive 2008/50/EC and providing guidance to Member States on the information to be provided and the format to be used.

The Commission will thoroughly assess each notification against the conditions laid down in Article 22 and raise objections if those conditions are not met.

A common format is set out in Staff Working Paper (SEC(2008)2132) in order to specify the link between the information required and the conditions. Member States are strongly recommended to use these forms.

According to the Commission, the initial notifications are expected principally to concern PM<sub>10</sub>, for which the potential extensions will end three years after the entry into force of the Directive, i.e. on 11 June 2011.

As regards nitrogen dioxide and benzene, the limit values may not be exceeded from 1 January 2010 at the latest. Where the conditions are met, the deadline for achieving compliance may be postponed until such time as is necessary for achieving compliance with the limit values, but at maximum until 2015.

The main conditions and information requirements for an extension are as follows:

- Reference year: as regards notifications concerning PM<sub>10</sub>, it is in principle appropriate to take the first year of exceedance, i.e. 2005, as the reference year for assessing whether the conditions are fulfilled. If considered more appropriate, a later year (e.g. 2007) can be taken as the reference year from which projections are made to demonstrate that compliance will be achieved by June 2011. The same year must then also be taken as the reference year in the attached air quality plan. For notifications concerning nitrogen dioxide or benzene submitted before the initial deadline for attainment (2010), 2008 will be considered the reference year. For notifications submitted after the initial deadline for attainment, Member States should use 2010 as the reference year.
- Source apportionment: Member States must provide information on the origin of pollution contributing to the exceedance. A quantitative source apportionment for the exceedance situation (i.e. exceedance of daily or annual limit value) in the reference year is therefore required for each notified zone or agglomeration. The source apportionment must, in particular, reflect regional, urban and local contributions within the Member State, but also transboundary contributions. As regards the urban and local contributions, a further split must be given in order to identify any significant sources such as transport (road traffic and shipping, where relevant), industry (including heat and power production), agriculture, commercial and residential sources. Member States may choose whether to use nitrogen dioxide or oxides of nitrogen as a basis for source apportionment provided the choice is followed consistently.
- Compliance during the extension: for 2011, compliance with the annual limit values for PM<sub>10</sub> will be assessed against the limit value plus the margin of tolerance for the whole calendar year. As regards the daily limit values, compliance for 2011 will be assessed on a daily basis. More precisely, the total number of exceedances, whether of the limit value plus the margin of tolerance or of the limit value alone, may not exceed the 35 days permitted for that calendar year.
- First condition ? measures to achieve compliance by the initial attainment date: Directive 2008/50/EC provides that the deadlines for attainment of the limit values for nitrogen dioxide and benzene may be postponed where conformity with the limit values cannot be achieved by the attainment date, i.e. 1 January 2010. In order to determine whether compliance cannot be achieved by that date, Member States are requested to indicate the measures taken before 2010 and explain the reasons why those measures do not bring about compliance. Only if it can be shown that efforts have been made to achieve compliance, Member States can claim that conformity with the limit values cannot be achieved by the deadlines. For PM<sub>10</sub>, Member States must demonstrate that all appropriate measures have been taken at national, regional and local level to achieve compliance with the limit values by the initial deadline set for attainment, i.e. 1 January 2005. Member States must identify the pollution sources that those measures were intended to address and explain the extent to which those measures actually contributed to reducing concentrations. Explanations must be given of any remaining exceedance of the limit values.
- Second condition ? measures to achieve compliance before the new deadline: Member States must provide realistic and reliable predictions of how concentrations are likely to decline with a view to achieving compliance with the limit values before the new deadline. The predictions must be based on a comparison between the limit values to be achieved and projected baseline levels for the exceedance situation in a zone or agglomeration. The baseline must indicate the estimated concentrations by the new deadline if no additional abatement measures are taken, apart from those taken to achieve compliance by the initial deadline and the existing and planned Community measures. The gap between the applicable limit value and the baseline will serve as an indicator for the expected impact and timing of the additional measures required in order to close that gap by the new deadline. When assessing the predictions, account will also be taken of the potential impact, in the zone concerned, of existing and planned Community measures.
- Specific condition for PM<sub>10</sub>: site-specific dispersion characteristics, adverse climatic conditions or transboundary contributions: site-specific dispersion characteristics are factors affecting pollutant dispersion on local scale, principally at street level, adverse climatic conditions (dilution of locally emitted pollutants), transboundary contributions (occur where the meteorological and topographical conditions permit the transport of anthropogenic pollution originating outside the Member State, thereby causing high concentrations).
- **Air quality plan and additional information requirements:** notifications must be accompanied by an air quality plan for the zone or agglomeration concerned. The plan must comply with the requirements laid down in the new Directive. The information requested under the new Directive is largely similar to that requested under Directive 96/62/EC.