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AMENDMENTS 36-195

Draft report

(PE 371.908v01-00)

Holger Krahmer

Ambient air quality and cleaner air for Europe

Proposal for a directive (COM(2005)0447 – C6-0356/2005 – 2005/0183(COD))

Text proposed by the Commission

Amendments by Parliament

Amendment by Anja Weisgerber

Amendment 36
Recital 2

(2) In order to protect human health and the environment as a whole, emissions of harmful air pollutants should be avoided, prevented or reduced *and* appropriate ***standards set for ambient air quality*** taking into account relevant World Health Organisation standards, guidelines and programmes.

2. In order to protect human health and the environment as a whole, ***it is particularly important to combat the emission of pollutants at source. Therefore,*** emissions of harmful air pollutants should be avoided, prevented or reduced. ***To that end, the Commission will immediately lay down appropriate emission rules,*** taking into account relevant World Health Organisation ***air quality*** standards, guidelines and programmes.

Or. de

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Justification

The basic approach taken by the proposal for a directive is based on pollution events and control. To ensure sustainable improvement of air quality in the European Union, the primary and immediate focus must be on appropriately regulating pollutant sources.

Amendment by Vittorio Prodi

Amendment 37
Recital 5 a (new)

(5a) Where possible, pollution diffusion modelling 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.

Or. en

Justification

The geographical distribution of data concentration is the input for a realistic calculation of collective exposure and hence expected health effects

Amendment by Anja Weisgerber

Amendment 38
Recital 7

(7) Detailed measurements of fine particulate matter at background locations should be made in order to understand better the impacts of this pollutant and to develop appropriate policies. Such measurements should be made in a manner consistent with those of the cooperative programme for monitoring and evaluation of the long range transmission of air pollutants in Europe

(7) Detailed measurements ***and calculations*** of fine particulate matter at background locations should be made in order to understand better the impacts of this pollutant ***and define background pollution*** and to ***be able to*** develop appropriate policies. ***Appropriate policies must aim in particular to take realistic account of the proportion, factored in to limit values of***

(EMEP) set up under the 1979 Convention on Long-range Transboundary Air Pollution approved by Council Decision 81/462/EEC of 11 June 1981

total pollution which is background pollution. Measurements must be efficiently carried out. Therefore, information obtained from sampling points for fixed measurements should, as far as possible, be complemented by information through modelling techniques and indicative measurements. Such measurements should be made in a manner consistent with those of the cooperative programme for monitoring and evaluation of the long range transmission of air pollutants in Europe (EMEP) set up under the 1979 Convention on Long-range Transboundary Air Pollution approved by Council Decision 81/462/EEC of 11 June 1981.

Or. de

Justification

In local authorities there is great uncertainty as the scale and impact of background pollution. The European legislative authority should therefore lay down a definition. For efficient data acquisition, modelling techniques and indicative measurements should also be used in addition to fixed measurements.

Amendment by Jules Maaten

Amendment 39

Recital 8

(8) *Air quality status should be maintained or improved where it is already good.*

Where air quality standards are exceeded, Member States should take action so that they achieve compliance with the specified values but exceedances attributable to wintertime sanding of roads should be ignored.

(8) Where air quality standards are exceeded, Member States should take action so that they achieve compliance with the specified values but exceedances attributable to wintertime sanding of roads should be ignored.

Or. nl

Justification

As a result of the formulation proposed by the Commission, no deterioration of air quality

whatsoever would be permitted in areas where the levels lay below the limit values, even if the levels remained below the limit values. This cannot be the intended result. It would be better to consider air quality over sufficiently large areas.

Amendment by Anja Weisgerber

Amendment 40
Recital 8

(8) Air quality status should be maintained **or improved** where it is already good. Where air quality standards are exceeded, Member States should take action so that they achieve compliance with the specified values **but** exceedances attributable to wintertime sanding of roads should be ignored.

(8) Air quality status should be maintained, where it is already good, **in such a way that air quality standards are not exceeded. In the context of the sustainable development of the zone concerned, air quality should be improved.** Where air quality standards are exceeded, Member States should take action so that they achieve compliance with the specified values, **the onus on Member States with high exceedance levels being particularly great because, as a rule, air quality can be improved there in the most cost-effective manner.** Exceedances attributable to wintertime sanding of roads should be ignored.

Or. de

Justification

*There is greater potential for reducing air pollutants in Member States with a high level of contamination than in Member States where air quality is already good.
Where air quality is already good and limit values are complied with, further improvement in air quality should be compatible with the sustainable development of the area concerned.*

Amendment by Ria Oomen-Ruijten, Jules Maaten, Johannes Blokland

Amendment 41
Recital 8

(8) Air quality status should be maintained or improved where it is already good. Where air quality standards are exceeded, Member States should take action so that they

(8) Air quality status should be maintained or improved where it is already good. Where air quality standards are exceeded, Member States should take action so that they

achieve compliance with the specified values **but exceedances** attributable to wintertime sanding of roads should be **ignored**.

achieve compliance with the specified values, **in which connection the contributions** attributable to wintertime sanding of roads should be **taken into account**.

Or. nl

Amendment by Dorette Corbey

Amendment 42

Recital 8

(8) Air quality status should be maintained or improved where it is already good. Where air quality standards are exceeded, Member States should take action so that they achieve compliance with the specified values but exceedances attributable to wintertime sanding of roads should be ignored.

(8) Air quality status should be maintained or improved where it is already good. ***Deteriorations are permitted only if they are compensated by improvements elsewhere within the same area and if they do not exceed the limit values.*** Where air quality standards are exceeded, Member States should take action so that they achieve compliance with the specified values but exceedances attributable to wintertime sanding of roads should be ignored.

Or. nl

Justification

In some Member States, the stand-still provision would cause problems with the implementation of infrastructure projects. Such projects must be able to go ahead if they improve air quality in a wider area. Thus a new ringroad around a town may reduce air pollution in the town centre so that more people suffer less from pollution. At the same time, the limit values and concentration caps must be complied with.

Amendment by Johannes Blokland, Jules Maaten, Ria Oomen-Ruijten

Amendment 43

Recital 8 a (new)

(8a) The standards in this directive should apply to the whole territory of a Member

State. However, Member States must also be permitted, subject to conditions, to obtain exemptions from the application of a limit value for very specific areas. This will ensure that Member States are not required to adopt unreasonable measures.

Or. nl

Justification

See the same table's amendment inserting Article 13 a (new).

Amendment by Marie-Noëlle Lienemann

Amendment 44

Recital 10

(10) Fine particulate matter (PM_{2,5}) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below which PM_{2,5} would not pose a risk. As such, this pollutant should not be regulated in the same way as other air pollutants. The approach should aim at a general reduction of concentrations in the urban background to ensure that large sections of the population benefit from improved air quality. ***However***, to ensure a minimum degree of health protection everywhere, that approach should ***be combined with an absolute concentration cap***.

Fine particulate matter (PM_{2,5}) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below which PM_{2,5} would not pose a risk. As such, this pollutant should not be regulated in the same way as other air pollutants. The approach should aim at a general reduction of concentrations in the urban background to ensure that large sections of the population benefit from improved air quality. ***In order*** to ensure a minimum degree of health protection everywhere, that approach should ***combine a target value and a limit value***.

Or. fr

Justification

Abundant data is now available on ambient PM_{2,5} concentrations in the Union, and Member States are required under Directive 1999/30/EC to take measurements of fine particulate matter. Moreover, in Amendment 5, the rapporteur acknowledges the reliability of data on measured or modelled PM_{2,5} concentrations. At the same time, research conducted in various countries, including ones within the EU, into the effects of fine particulates on health shows

that the impact on health remains serious at current concentrations. Establishing binding limit values and targets with, if necessary, a variable timetable depending on the Member State concerned, will give clear direction to the policies to be pursued at local, national and Community level.

Amendment by Anja Weisgerber

Amendment 45
Recital 10

(10) Fine particulate matter (PM_{2,5}) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below which PM_{2,5} would not pose a risk. As such, this pollutant should not be regulated in the same way as other air pollutants. The approach should aim at a general reduction of concentrations in the urban background to ensure that large sections of the population benefit from improved air quality. However, to ensure a minimum degree of health protection everywhere, ***that approach should be combined with an absolute concentration cap.***

(10) Fine particulate matter (PM_{2,5}) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below which PM_{2,5} would not pose a risk. ***As the available data for PM_{2,5} are not yet adequate in order to introduce a limit value, a target value should initially be laid down.*** As such, this pollutant should not be regulated in the same way as other air pollutants. The approach should aim at a general reduction of concentrations in the urban background to ensure that large sections of the population benefit from improved air quality. ***In particular in zones with a very high level of fine particulate matter pollution, optimum use should be made of the available scope for reduction.*** However, to ensure a minimum degree of health protection everywhere, ***a target value for all zones should be laid down.***

Or. de

Justification

Linked to the differentiated 20% reduction target and the setting of a target value instead of a limit value (concentration cap) for PM_{2,5}.

Amendment by Jules Maaten

Amendment 46

Recital 10

(10) Fine particulate matter (PM_{2,5}) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below which PM_{2,5} would not pose a risk. As such, this pollutant should not be regulated in the same way as other air pollutants. The approach should aim at a general reduction of concentrations in the urban background to ensure that large sections of the population benefit from improved air quality. However, to ensure a minimum degree of health protection everywhere, that approach should be combined with *an absolute concentration cap*.

(10) Fine particulate matter (PM_{2,5}) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below which PM_{2,5} would not pose a risk. As such, this pollutant should not be regulated in the same way as other air pollutants. The approach should aim at a general reduction of concentrations in the urban background to ensure that large sections of the population benefit from improved air quality. However, to ensure a minimum degree of health protection everywhere, that approach should be combined with *a target value which is achievable on the basis of a policy of combating emissions at source adopted at European level*.

Or. nl

Justification

Measures must be adopted at European level to combat emissions at source in order to achieve improvements in air quality.

Amendment by Anja Weisgerber

Amendment 47

Recital 13

Fixed measurements of ozone should be mandatory in zones where the long-term objectives are exceeded. The use of supplementary means of assessment *should* be allowed for the purpose of reducing the required number of fixed sampling points.

Air pollutant measurements must be carried out efficiently and in a targeted fashion. Fixed measurements should therefore be complemented as far as possible, therefore, by modelling techniques and indicative measurements. Fixed measurements of ozone should be mandatory in zones where the long-term objectives are exceeded. The use of supplementary means of assessment *must* be allowed for the purpose of reducing the

required number of fixed sampling points.

Or. de

Justification

For efficient data acquisition, modelling techniques and indicative measurements should also be used, to, in addition to fixed measurements.

Amendment by Jonas Sjöstedt

Amendment 48

Recital 14

(14) Pollutant emissions to air from natural sources are capable of measurement but cannot be controlled. Therefore, where natural contributions to pollutants in ambient air can be determined with sufficient certainty, they should be subtracted when assessing compliance with air quality limit values. Deleted

Or. sv

Justification

There is no research indicating that air pollution from natural sources is less harmful than air pollution from anthropogenic sources; the proposal to be able to ‘subtract’ natural contributions therefore implies the acceptance of a greater risk to the health of the population in certain places. Moreover, existing limit values have been set in the light of the dose-response relationship which comprises the total level of air pollution present, i.e. both of anthropogenic and natural origin. To exempt contributions from natural sources would, therefore, in practice entail a ‘watering down’ of existing limit values and, consequently, a weakening of current environmental legislation.

Amendment by Satu Hassi

Amendment 49

Recital 14

(14) Pollutant emissions to air from natural sources are capable of measurement but cannot be controlled. Therefore, where natural contributions to pollutants in ambient air can be determined with sufficient certainty, they should be subtracted when assessing compliance with air quality limit values. *deleted*

Or. en

Justification

The deduction of so-called natural pollutants cannot be justified from a health point of view. Existing limit values for air pollutants as well as the proposed new standards for PM_{2,5} are based on the findings of the scientific community regarding the health effects of particles in ambient air ('exposure-response functions'). These exposure-response functions always include the 'natural background' and therefore reflect the real concentrations which people breathe. Compared to existing legislation subtracting "natural pollutants" would allow for higher air pollutant values everywhere therefore weakening health protection against the aims of the directive.

Amendment by Anja Weisgerber

Amendment 50 Recital 14

(14) Pollutant emissions to air from natural sources are capable of measurement but cannot be controlled. Therefore, where natural contributions to pollutants in ambient air can be determined with sufficient certainty, they should be subtracted when assessing compliance with air quality limit values.

(14) Pollutant emissions to air from natural sources are capable of measurement but cannot be controlled. Therefore, where natural contributions to pollutants in ambient air can be determined with sufficient certainty, they should be subtracted when assessing compliance with air quality limit values. ***To ensure that limit values are exceedences are subtracted in a uniform fashion in the various Member States, emissions from natural sources are defined in the Directive and guidelines for verifying compliance will be drawn up by the Commission.***

Or. de

Justification

For uniform implementation, and in the interests of comparable measurement results in all EU states, guidelines are necessary for verifying compliance and for subtracting limit value exceedences ascribable to natural sources.

Amendment by Anja Weisgerber

Amendment 51

Recital 15

(15) Existing air quality limit values should remain unchanged, although it should be possible to postpone the deadline for compliance in cases where, notwithstanding the implementation of appropriate pollution abatement measures, acute compliance problems exist in specific zones and agglomerations. Any postponement for a given zone or agglomeration should be accompanied by a comprehensive plan to ensure compliance by the revised deadline.

(15) For zones where conditions are particularly difficult, it should be possible to postpone the deadline for compliance **with air quality limit values** in cases where, notwithstanding the implementation of appropriate pollution abatement measures, acute compliance problems exist in specific zones and agglomerations. Any postponement for a given zone or agglomeration should be accompanied by a comprehensive plan to ensure compliance by the revised deadline.

Or. de

Justification

Linked to the abolition of daily limit values for PM₁₀.

Amendment by Anders Wijkman

Amendment 52

Recital 16 a (new)

(16a) A thorough Impact Assessment of this Directive has been done taking both Better Regulation and the Sustainable Development Strategy into account. However, as CO₂ emission reductions are expected to be greater than predicted in the

Impact Assessment, costs might be overestimated and the benefits underestimated, since continued emission reductions after 2012 will contribute among other things to an improvement of air quality.

Or. en

Amendment by Anja Weisgerber

Amendment 53
Recital 16 a (new)

(16a) As far as possible, the aims of this Directive must be made compatible with the sustainable development of the zones concerned.

Or. de

Amendment by María del Pilar Ayuso González

Amendment 54
Recital 17 a (new)

(17a) Regarding industrial installations, this Directive does not involve measures beyond the application of best available techniques (BAT) as required by Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, and in particular will not lead to the closure of installations. However, it does require all the Member States to take all cost-effective abatement measures in the relevant sectors.

Or. es

Justification

Directive 96/61/EC applies an integrated approach in which all relevant factors are taken into account when issuing permits and best available techniques are constantly revised. Directive 2004/107/EC already includes a clause similar to that proposed in this amendment.

Amendment by Evangelia Tzampazi

Amendment 55

Recital 18

(18) ***The purpose of*** such plans and programmes ***is the direct improvement of air quality and the environment and they should not therefore*** be subject to Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

(18) Such plans and programmes should be subject to ***an assessment under*** Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment ***if they set the framework for development consent of projects.***

Or. en

Justification

Where these plans and programmes envisage the development of projects their environmental effects are likely to go beyond air quality. As the purpose of these plans and programmes is the direct improvement of air quality and the environment they should therefore be subject to assessment under Directive 2001/42/EC. This amendment will ensure that all the environmental effects of these plans and programmes will be considered, and their consistency with other relevant plans will be taken into account.

Amendment by Johannes Blokland, Albert Jan Maaten, Ria Oomen-Ruijten

Amendment 56

Recital 19 a (new)

(19a) In view of the transboundary character of specific pollutants and the consequent possibility that a limit value may be exceeded in a Member State on account of a cause over which the Member State has no direct influence, it must be possible for the Commission to grant

Member States extra time to comply with the standards laid down in this directive.

Or. nl

Justification

It is well known that air quality problems are of a transboundary character. For Member States it is therefore not always possible to tackle all sources of pollution because certain sources are situated outside their own territory or that of the EU. If in this situation it proves impossible for Member States to comply with the standards laid down in this directive, the Commission must have the option of allowing such Member States extra time.

Amendment by Anja Weisgerber

Amendment 57

Recital 20

(20) It is necessary for the Member States and the Commission to collect, exchange and disseminate air quality information in order to understand better the impacts of air pollution and develop appropriate policies. Up-to-date information on concentrations of all regulated pollutants in ambient air should also be readily available to the public.

(20) It is necessary for the Member States and the Commission to collect, exchange and disseminate air quality information in order to understand better the impacts of air pollution and develop appropriate policies. Up-to-date information on concentrations of all regulated pollutants in ambient air should also be readily available to the public. ***It must be ensured that the public is informed each day about current daily measured values.***

Or. de

Justification

Regardless of limit values, the public should be informed about daily measured values.

Amendment by Anja Weisgerber

Amendment 58

Article 2, point 6

(6) 'concentration cap' shall mean a level fixed on the basis of scientific knowledge, with the aim of preventing unduly high risks for human health, to be attained within a given period and not to be exceeded once attained; **deleted**

Or. de

Justification

'The concentration cap' is effectively a limit value. PM_{2,5} data currently available is not yet adequate for laying down a new binding limit value. The same mistake should therefore not be made as was made with PM₁₀, when binding limit values were introduced without adequate data. The term 'concentration cap' should therefore be replaced by 'target value for PM_{2,5} concentration' throughout the text.

Amendment by Anja Weisgerber

Amendment 59
Article 2, point 16 a (new)

(16a) 'Emissions from natural sources' shall 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.

Or. de

Justification

The directive regulates 'emissions from natural sources' without defining them in detail. For uniform implementation, and in the interests of comparable measurement results in all EU states, it is appropriate to define this term.

Amendment by Thomas Ulmer, Elisabeth Jeggle

Amendment 60
Article 2, point 19

(19) 'average exposure indicator' shall mean an average level determined on the basis of measurements at urban background locations throughout the territory of a Member State and which reflects population exposure; **deleted**

Or. de

Justification

See justification for amendment to Annex XIV (A) and (B).

Amendment by Anja Weisgerber

Amendment 61
Article 2, point 19

(19) 'average exposure indicator' shall mean an average level determined on the basis of measurements at urban background locations throughout the territory of a Member State and which reflects population exposure;

(19) 'average exposure indicator' shall mean an average level determined on the basis of measurements at urban background locations throughout the territory of a Member State and which reflects population exposure, ***reduced by the constant hemispheric background concentration which cannot be reduced by Community measures;***

Or. de

Justification

See justification for amendment to Annex XIV (B).

Amendment by Vittorio Prodi

Amendment 62
Article 2, point 19 a (new)

(19a) "collective exposure" shall mean the product of the concentration of pollutants in an area multiplied by the number of its inhabitants. It is an indication of the expected health effects in that area.

Or. en

Justification

It is advisable to take in consideration also a collective exposure index because it is the most pertinent to the overall health effects.

Amendment by Thomas Ulmer, Elisabeth Jeggle

Amendment 63
Article 2, point 20

(20) 'exposure reduction target' shall mean a percentage reduction of the average exposure indicator set with the aim of reducing harmful effects on human health, to be attained where possible over a given period; ***deleted***

Or. de

Justification

See justification for amendment to Annex XIV (A) and (B).

Amendment by María del Pilar Ayuso González

Amendment 64
Article 2, point 25 a (new)

25a. "background emissions" shall mean pollutant emissions which do not have their origin in human activities, including natural events - such as volcanic eruptions, earthquakes, geothermal activity, fires, sea salt and the transport of particles from arid regions - and transboundary pollution.

Or. es

Justification

The term 'natural sources' should be replaced with 'background emissions' in order to include transboundary pollution which cannot be controlled by the Member States.

Amendment by Dorette Corbey, Gyula Hegyi

Amendment 65
Article 2, point 25 a (new)

(25a) "Natural sources" shall mean:

(a) emissions from the following natural events: forest fires, conflagration, volcanic eruptions, geothermal activity;

(b) substances other than emissions from natural events, such as salt and desert dust.

Or. en

Justification

With a view to Article 19 of this directive, dealing with emissions from natural sources, the notion 'natural sources' should be defined.

Amendment by Jules Maaten, Ria Oomen-Ruijten

Amendment 66
Article 2, point 25 a (new)

(25a) "Emissions from natural sources" shall mean any substance present in the air which has not been directly or indirectly emitted by human agency. In particular, they shall include emissions caused by natural events (volcanic eruptions, earthquakes, geothermal activity, outdoor fires, storms or atmospheric resuspension or atmospheric transport of natural particles from arid regions or sea salt).

Or. nl

Justification

Article 19 of the directive deals with the treatment of 'emissions from natural sources'. It is therefore appropriate to define this term. Sea salt should also be listed among natural substances.

Amendment by Vittorio Prodi

Amendment 67

Article 2, point 25 a (new)

(25a) "health related general index" shall mean the sum of health effects of single pollutants that can be expected on the basis of the population exposure (useful when several pollutants are present simultaneously).

Or. en

Justification

It is useful to have a single index to represent the air pollution status.

Amendment by Ria Oomen-Ruijten, Jules Maaten

Amendment 68

Article 5, paragraph 2, subparagraph 1

2. The classification referred to in paragraph 1 shall be reviewed **at least** every five years in accordance with the procedure laid down in Section B of Annex II.

2. The classification referred to in paragraph 1 shall **be monitored and, after an assessment, the results shall** be reviewed every five years in accordance with the procedure laid down in Section B of Annex II.

Or. nl

Amendment by Anja Weisgerber

Amendment 69

Article 7, paragraph 2, subparagraph 1

2. In each zone or agglomeration where fixed measurements are the sole source of information for assessing air quality, the number of sampling points for each relevant pollutant shall not be less than the minimum number of sampling points specified in Section A of Annex V.

2. In each zone or agglomeration where fixed measurements are the sole source of information for assessing air quality, the number of sampling points for each relevant pollutant shall not be less than the minimum number of sampling points specified in Section A of Annex V. **In these zones, the corresponding measurements must be carried out daily.**

Or. de

Justification

It must be ensured that, even where there are no daily limit values, measurements of pollutants are carried out daily in order to collect data and provide the public with information and are complemented by modelling techniques only where this is feasible without a serious loss of information.

Amendment by Anja Weisgerber

Amendment 70

Article 7, paragraph 2, subparagraph 2, point (a)

(a) the supplementary methods provide sufficient information for the assessment of air quality with regard to limit values, **concentration caps** or alert thresholds, as well as adequate information for the public;

(a) the supplementary methods provide sufficient information for the assessment of air quality with regard to limit values or alert thresholds, as well as adequate information for the public;

Or. de

Amendment by Anja Weisgerber

Amendment 71

Article 7, paragraph 2, subparagraph 2, point (a a) (new)

(aa) daily measurements are carried out at the sampling points to be installed;

Or. de

Justification

It must be ensured that, even where there are no daily limit values, measurements of pollutants are carried out daily in order to collect data and provide the public with information and are complemented by modelling techniques only where this is feasible without a serious loss of information.

Amendment by Marie-Noëlle Lienemann

Amendment 72

Article 7, paragraph 2, subparagraph 3

In the case referred to in the second subparagraph, the results of modelling and/or indicative measurement shall be taken into account for the assessment of air quality with respect to the limit values or **concentration caps**.

In the case referred to in the second subparagraph, the results of modelling and/or indicative measurement shall be taken into account for the assessment of air quality with respect to the limit values or **target values**.

Or. fr

Justification

Clearer and more precise wording.

Amendment by Anja Weisgerber

Amendment 73

Article 7, paragraph 2 a (new)

2a. The Commission and the Member States shall ensure the uniform application of the criteria for selecting sampling points.

Or. de

Justification

Clean air is also a factor for attaining the Lisbon objectives (in particular as regards the siting of businesses, tourism and unlimited feeder traffic). A uniform system of locations for sampling points must be ensured. Current measurement practice in individual Member States differs too widely and makes it impossible to compare measurement results.

Amendment by Jules Maaten

Amendment 74

Article 12

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall ***ensure that that air quality status is maintained.***

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall ***maintain the levels of those pollutants below the limit values or concentration caps and shall endeavour to preserve the best ambient air quality compatible with sustainable development.***

Or. en

Justification

The text as proposed by the Commission differs from the exact wording and meaning of Article 9 of the Framework directive. This proposal is more in line with the language and

meaning of the Framework directive.

Amendment by Anja Weisgerber

Amendment 75
Article 12

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the respective limit values or **concentration caps** specified in Annexes XI and XIV, Member States shall ensure that **that air quality status is maintained**.

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the respective limit values or **target values** specified in Annexes XI and XIV, Member States shall ensure that **those limit and target values are complied with on a sustainable basis**.

Or. de

Justification

Amendment follows on from the introduction of a target value instead of a limit value for PM_{2,5}.

Amendment by Johannes Blokland

Amendment 76
Article 12

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall **ensure that that air quality status is maintained**.

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall **maintain the levels of these substances below the limit values**.

Or. nl

Justification

As a result of the formulation proposed by the Commission, Member States would be unable to permit any additional activities whatsoever in areas where the levels lay below the limit values, even if the levels remained below the limit values. This certainly cannot have been the result intended by the Commission. The new formulation is comparable to that used in Article 9 of Directive 1996/62/EC (OJ L 296, 21.11.1996, pp. 55 – 63).

Amendment by Ria Oomen-Ruijten

Amendment 77 Article 12

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM10, PM2,5, lead, benzene and carbon monoxide in ambient air are below the respective limit values or **concentration caps** specified in Annexes XI and XIV, Member States shall ensure that **that** air quality status is maintained.

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM10, PM2,5, lead, benzene and carbon monoxide in ambient air are below the respective limit values or **target values** specified in Annexes XI and XIV, Member States shall **seek to** ensure that **a good** air quality status is maintained.

Or. nl

Amendment by Dorette Corbey

Amendment 78 Article 12

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM10, PM2,5, lead, benzene and carbon monoxide in ambient air are below the respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall ensure that that air quality status is maintained.

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM10, PM2,5, lead, benzene and carbon monoxide in ambient air are below the respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall ensure that that air quality status is maintained. **However, Member States shall be permitted to compensate for deteriorations at one location by means of improvements at another location within the same agglomeration, provided that the limit values or concentration caps are not exceeded.**

Justification

It is important that air quality should be improved and maintained if it is good. However, without exceeding the limit values and concentration caps, it should be possible to compensate for concentrations within a limited area.

Amendment by Martin Callanan

Amendment 79

Article 12

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall ensure that that air quality status is maintained.

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall ensure that that air quality **compliance** status is maintained.

Or. en

Justification

This Article in the Commission text is ambiguous – is it that the air quality compliance status should be maintained or that the current (in compliance) air quality level would in effect become a more stringent air quality ‘cap’? With rising background hemispheric concentrations, variations in meteorology year to year and the need to expand economic activities in specific locations (in accordance with other political and social priorities), it is impractical to expect air quality to ‘stand still’. Insertion of the word compliance clarifies it is the compliance status that must be maintained.

Amendment by Chris Davies

Amendment 80

Article 12

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the

In zones and agglomerations where the levels of sulphur dioxide, nitrogen dioxide, PM₁₀, PM_{2,5}, lead, benzene and carbon monoxide in ambient air are below the

respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall ensure that that air quality status is maintained.

respective limit values or concentration caps specified in Annexes XI and XIV, Member States shall ensure that that air quality **compliance** status is maintained.

Or. en

Justification

Clarification regarding the legal requirement being set.

Amendment by Jules Maaten

Amendment 81

Article 13, title and paragraph 1

Limit values for the protection of human health

1. Member States shall ensure that, throughout their territory, levels of sulphur dioxide, PM₁₀, lead, and carbon monoxide in ambient air do not exceed the limit values laid down in Annex XI.

In respect of nitrogen dioxide and benzene, the limit values specified in Annex XI may not be exceeded from the dates specified therein.

The margins of tolerance laid down in Annex XI shall apply in accordance with Article 21.

Limit values **and alert thresholds** for the protection of human health

1. Member States shall, **having regard to Section A of Annex III**, ensure that, throughout their territory, levels of sulphur dioxide, PM₁₀, lead, and carbon monoxide in ambient air do not exceed the limit values laid down in Annex XI.

In respect of nitrogen dioxide and benzene, the limit values specified in Annex XI may not be exceeded from the dates specified therein.

Compliance with these requirements shall be assessed in accordance with Section B of Annex III.

The margins of tolerance laid down in Annex XI shall apply in accordance with Article 21.

Or. en

Justification

The Commission's proposal requires on the one hand in Art. 13 that limit values (for the protection of human health) must be met by the Member States throughout their territory (this means everywhere); on the other hand Annex III requires that sampling points directed at the

protection of human health should be sited where the population is likely to be exposed for a period which is significant in relation to the averaging period of the limit values or is generally exposed. Consequently, the areas where limit values apply (Art. 13) and where compliance is checked and demonstrated by measurements (Annex III) are not identical; the assessment regime (at least based on monitoring) does not correspond to the areas where limit value(s) apply. This contradiction places Member States, the public and the Commission in a very difficult position and is likely to give rise to endless lawsuits.

Amendment by Jonas Sjöstedt

Amendment 82

Article 13, paragraph 1, subparagraph 2

In respect of **nitrogen dioxide and benzene**, the limit values specified in Annex XI may not be exceeded from the dates specified therein.

In respect of **nitrogen dioxide, benzene and *PM*₁₀**, the limit values specified in Annex XI may not be exceeded from the dates specified therein.

Or. sv

Justification

*The present directive (1999/30/EC) lays down 'indicative' limit values for *PM*₁₀ to be introduced as of 1 January 2010 but these are not reproduced in the Commission's proposal for a new directive. These indicative limit values – which are in line with the WHO's recommended Air Quality Guidelines published this year – should be laid down as binding limit values in accordance with the original timetable.*

Amendment by Guido Sacconi

Amendment 83

Article 13, paragraph 1, subparagraph 2

In respect of nitrogen dioxide **and** benzene, the limit values specified in Annex XI may not be exceeded from the dates specified therein.

In respect of nitrogen dioxide, benzene **and** ***PM*₁₀**, the limit values specified in Annex XI may not be exceeded from the dates specified therein.

Or. it

Justification

The recent WHO guidelines on air quality recommend that the annual ceiling for PM₁₀ be reduced to 20 µg/m³. The APHEIS phase 3 report assesses the impact of exposure to PM₁₀ in 23 cities with a total of almost 39 million inhabitants and concludes that 21 828 premature deaths resulting from the long-term impact of PM₁₀ could be avoided each year if annual PM₁₀ levels were reduced to 20 µg/m³.

Amendment by Satu Hassi

Amendment 84

Article 13, paragraph 1, subparagraph 2

In respect of nitrogen dioxide **and** benzene, the limit values specified in Annex XI may not be exceeded from the dates specified therein.

In respect of nitrogen dioxide, benzene **and** PM₁₀, the limit values specified in Annex XI may not be exceeded from the dates specified therein.

Or. en

Justification

The second stage of PM₁₀ limit values foreseen in the first daughter directive 1999/30/EC need to be confirmed. The latest WHO air quality guidelines recommended to lower the annual limit value of PM₁₀ to 20 µg/m³. The APHEIS phase-3 report assessing the impact of exposure to PM₁₀ in 23 cities with nearly 39 million inhabitants concludes that 21,828 premature deaths due to the long-term impacts of PM₁₀ could be prevented annually, if annual PM₁₀ levels were reduced to 20 µg/m³ and that most of the APHEIS cities would benefit if PM₁₀ levels were reduced to this level.

Amendment by Adriana Poli Bortone

Amendment 85

Article 13, paragraph 3, subparagraph 1

Member States **may** designate zones **or** agglomerations within which limit values for PM₁₀ are exceeded owing to concentrations of PM₁₀ in ambient air due to the resuspension of particulates following road-

Member States **shall, in close cooperation with local authorities**, designate zones **and** agglomerations within which limit values for PM₁₀ are exceeded owing to concentrations of PM₁₀ in ambient air due to the

sanding in winter-time.

resuspension of particulates following road-sanding **and salting** in winter-time.

Or. it

Justification

Local communities can make a vital contribution to ensuring better implementation of the directive. Furthermore, the harmful effects of the practice used in many areas of scattering salt on roads in order to protect drivers against the formation of ice need to be excluded.

Amendment by Vittorio Prodi

Amendment 86

Article 13, paragraph 3, subparagraph 1

Member States may designate zones or agglomerations within which limit values for PM₁₀ are exceeded owing to concentrations of PM₁₀ in ambient air due to the resuspension of particulates following road-sanding in winter-time.

Member States may designate zones or agglomerations within which limit values for PM₁₀ are exceeded owing to concentrations of PM₁₀ in ambient air due to the resuspension of particulates following road-sanding in winter-time, **or road cleaning, provided that PM_{2.5} levels are not affected.**

Or. en

Justification

The actual risk is connected with the particles of the PM_{2.5}. In the interval between PM 2.5 and PM 10, particles mostly deposit on the upper airways that are characterized by fast removal mechanisms and therefore do not exert long term effects.

Amendment by Johannes Blokland, Ria Oomen-Ruijten

Amendment 87

Article 13 a (new)

Article 13a

1. Notwithstanding the provisions of Article

13(1), Member States shall be permitted to designate areas where the limit value for one of the substances referred to there may be exceeded if the following conditions are met:

- no housing is permitted in the areas;***
- the combined surface area of the areas which a Member States designates under this provision does not exceed 5% of the area of the Member State;***
- the exceedance of the limit value concerned does not exceed 50%;***
- limit values for other substances are complied with.***

2. Member States shall forward to the Commission without delay an overview of the areas which they designate under this provision and all relevant information which the Commission requires in order to assess whether the conditions concerned are met.

If within nine months of receiving this information the Commission does not make any objection, the relevant conditions for the application of paragraph 1 shall be deemed to have been met.

If any objections are raised, the Commission may require the Member State concerned to adjust the overview, submit a new one or submit supplementary information.

Or. nl

Justification

There are areas in Member States where it is virtually impossible to comply with all the rules in this directive, for example areas along motorways. It would be unreasonable to require Member States to comply with all the requirements even in those areas, particularly since those areas are not normally inhabited. This new article makes the directive more flexible, while still seeking to ensure maximum protection of health.

Amendment by Anja Weisgerber

Amendment 88

Article 15, title

PM_{2,5} exposure reduction target and **concentration cap** for the protection of human health

PM_{2,5} exposure reduction target and **target value for PM_{2,5} concentration** for the protection of human health

Or. de

Justification

PM_{2,5} data currently available are not yet adequate for laying down a new binding limit value. The same mistake should not be made as was made with PM₁₀, when binding limit values were introduced without adequate data.

Amendment by Thomas Ulmer, Elisabeth Jeggle

Amendment 89

Article 15, paragraph 1

1. Member States shall ensure that the exposure reduction target for PM_{2,5} laid down in Section B of Annex XIV is achieved within the timeframe specified therein.

deleted

Or. de

Justification

See justification for amendment to Annex XIV(A) and (B).

Amendment by Johannes Blokland, Jules Maaten, Ria Oomen-Ruijten

Amendment 90

Article 15, paragraph 1

1. Member States shall ensure that the exposure reduction target for PM_{2,5} laid down in Section B of Annex XIV is achieved within the timeframe specified therein.

1. Member States shall *seek to* ensure that the exposure reduction target for PM_{2,5} laid down in Section B of Annex XIV is achieved within the timeframe specified therein.

Or. nl

Justification

Although more and more data indicate that PM_{2.5} are more harmful to health than PM₁₀, too few reliable data are yet available to warrant already imposing on the Member States a requirement to attain a particular value. The Commission's ambiguous text may be interpreted as imposing a requirement to attain a target value. This cannot be the intention.

Amendment by Françoise Grossetête

Amendment 91
Article 15, paragraph 1

1. Member States shall ensure that the exposure reduction target for PM_{2,5} laid down in Section B of Annex XIV is achieved within the timeframe specified therein.

1. Member States shall *take suitable measures to* ensure that the exposure reduction target for PM_{2,5} laid down in Section B of Annex XIV is achieved within the timeframe specified therein, *but without these entailing disproportionate expenditure.*

Or. fr

Justification

Points to the need to combine the concept of seeking effective measures to reduce atmospheric pollution with that of best cost.

Amendment by Françoise Grossetête

Amendment 92
Article 15, paragraph 1 a (new)

1a. Member States shall ensure that the exposure reduction obligation set out in

Annex XIV, section Ba, is fulfilled by the deadline stipulated in that Annex.

Or. fr

Justification

Sets out the requirements incumbent on the Member States under a new approach combining exposure reduction with the introduction of target values.

Amendment by Thomas Ulmer

Amendment 93

Article 15, paragraph 2

2. The average exposure indicator for ~~PM_{2,5}~~ shall be assessed in accordance with Section A of Annex XIV. ***deleted***

Or. de

Justification

See justification for amendment to Annex XIV(A) and (B).

Amendment by Anders Wijkman

Amendment 94

Article 15, paragraph 2 a (new)

2a. The 20% exposure reduction target shall be the average level obtained for the European Union. The exposure reduction target shall be differentiated among Member States in relation to their concentration levels.

Or. en

Amendment by Françoise Grossetête

Amendment 95

Article 15, paragraph 4

4. Member States **shall** ensure that concentrations of PM_{2,5} in ambient air do not exceed the **concentration cap** laid down in Section C of Annex XIV throughout their territory as from the date specified therein.

4. Member States shall **take suitable measures, without these entailing disproportionate costs, to** ensure that concentrations of PM_{2,5} in ambient air do not exceed the **target value** laid down in Section C of Annex XIV throughout their territory as from the date specified therein.

Or. fr

Justification

Uncertainties still exist over the concentrations of these pollutants in ambient air, so wishing to set a concentration cap immediately is premature. The term 'target value' seems more appropriate.

Amendment by Anja Weisgerber

Amendment 96

Article 15, paragraph 4

4. Member States shall ensure that concentrations of PM_{2,5} in ambient air **do not exceed the concentration cap laid down in Section C of Annex XIV throughout their territory as from the date specified therein.**

4. Member States shall ensure that **the target value for** concentrations of PM_{2,5} in ambient air **is attained throughout their territory as from the date specified in Section C of Annex XIV.**

Or. de

Justification

PM_{2,5} data currently available are not yet adequate for laying down a new binding limit value. The same mistake should not be made as was made with PM₁₀, when binding limit values were introduced without adequate data.

Amendment by Johannes Blokland

Amendment 97
Article 15, paragraph 4

4. Member States shall ensure that concentrations of PM_{2,5} in ambient air do not exceed the concentration cap laid down in Section C of Annex XIV throughout their territory as from the date specified therein.

4. Member States shall ***seek to*** ensure that concentrations of PM_{2,5} in ambient air do not exceed the concentration cap laid down in Section C of Annex XIV throughout their territory as from the date specified therein.

Or. nl

Justification

See the justification for the amendment by the same tabler to Article 15(1).

Amendment by Françoise Grossetête

Amendment 98
Article 15, paragraph 4 a (new)

4a. Member States shall ensure that the limit value laid down in Section C of Annex XIV is attained within the deadline specified in that Annex.

Or. fr

Justification

Refers to the Member States' objectives regarding the limit value, under a new approach combining exposure reduction with the introduction of target values.

Amendment by Jules Maaten

Amendment 99
Article 16, paragraph 1

1. Member States shall ensure that the target values and long-term objectives specified in Annex VII are attained within the timeframe set out therein.

1. Member States shall ***seek to*** ensure that the target values and long-term objectives specified in Annex VII are attained within the timeframe set out therein.

Justification

The Commission's text may be interpreted as imposing a requirement to attain a target value. This cannot be the intention.

Amendment by Satu Hassi

Amendment 100
Article 19

Article 19

deleted

Emissions from natural sources

1. Member States may designate zones or agglomerations where the exceedance of limit values or concentration caps for a given pollutant is attributable to natural sources.

Member States shall send the Commission lists of any such zones or agglomerations together with information on concentrations and sources and the evidence demonstrating that the exceedances are attributable to natural sources.

2. Where the Commission has been informed of an exceedance caused by natural sources in accordance with paragraph 1, that exceedance shall not be considered as an exceedance for the purposes of this Directive.

Or. en

Justification

The deduction of so-called natural pollutants cannot be justified from a health point of view. Existing limit values for air pollutants as well as the proposed new standards for PM_{2.5} are based on the findings of the scientific community regarding the health effects of particles in ambient air ('exposure-response functions'). These exposure-response functions always include the 'natural background' and therefore reflect the real concentrations which people

breathe. Compared to existing legislation subtracting “natural pollutants” would allow for higher air pollutant values everywhere therefore weakening health protection against the aims of the directive.

Amendment by Jonas Sjöstedt

Amendment 101

Article 19

1. Member States may designate zones or agglomerations where the exceedance of limit values or concentration caps for a given pollutant is attributable to natural sources. ***deleted***

Member States shall send the Commission lists of any such zones or agglomerations together with information on concentrations and sources and the evidence demonstrating that the exceedances are attributable to natural sources.

2. Where the Commission has been informed of an exceedance attributable to natural sources in accordance with paragraph 1, that exceedance shall not be considered as an exceedance for the purposes of this Directive.

Or. sv

Justification

There is no research indicating that air pollution from natural sources is less harmful than air pollution from anthropogenic sources; the proposal to be able to ‘subtract’ natural contributions therefore implies the acceptance of a greater risk to the health of the population in certain places. Moreover, existing limit values have been set in the light of the dose-response relationship which comprises the total content of air pollution present (i.e. both of anthropogenic and natural origin). To exempt contributions from natural sources would, therefore, in practice entail a ‘watering down’ of existing limit values and, consequently, a weakening of current environmental legislation, which is not acceptable.

Amendment by María del Pilar Ayuso González

Amendment 102

Article 19

Emissions *from natural sources*

1. Member States may designate zones or agglomerations where the exceedance of limit values or concentration caps for a given pollutant is attributable to ***natural sources***.

Member States shall send the Commission lists of any such zones or agglomerations together with information on concentrations and sources and the evidence demonstrating that the exceedances are attributable to ***natural sources***.

2. Where the Commission has been informed of an exceedance attributable to ***natural sources*** in accordance with paragraph 1, that exceedance shall not be considered as an exceedance for the purposes of this Directive.

Background emissions

1. Member States may designate zones or agglomerations where the exceedance of limit values or concentration caps for a given pollutant is attributable to ***background emissions***.

Member States shall send the Commission lists of any such zones or agglomerations together with information on concentrations and sources and the evidence demonstrating that the exceedances are attributable to ***background emissions***.

2. Where the Commission has been informed of an exceedance attributable to ***background emissions*** in accordance with paragraph 1, that exceedance shall not be considered as an exceedance for the purposes of this Directive.

Or. es

Justification

The term 'natural sources' should be replaced with 'background emissions' in order to include transboundary pollution which cannot be controlled by the Member States.

Amendment by Anja Weisgerber

Amendment 103

Article 19, paragraph 2 a (new)

2a. Twelve months after the entry into force of this Directive, the Commission shall publish guidelines for verifying evidence and for subtracting exceedances attributable to natural sources.

Or. de

Justification

For uniform implementation, and in the interests of comparable measurement results in all EU states, guidelines are necessary for verifying evidence and for subtracting exceedences attributable to natural sources.

Amendment by Jonas Sjöstedt

Amendment 104

Article 20

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the concentration cap for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to the following conditions: *deleted*

(a) establishment of a plan or a programme in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and communication of that plan or programme to the Commission;

(b) establishment of an air pollution abatement programme for the period of the postponement, which incorporates at least the information listed in Section B of Annex XV, and demonstrates that conformity will be achieved with the limit values or concentration caps before the new deadline, and communication of that programme to the Commission.

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 until 31 December 2009 at the latest, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

3. Where a Member State applies paragraphs 1 or 2, it shall ensure that the limit value or concentration cap for each pollutant is not exceeded by more than the maximum margin of tolerance specified in Annexes XI or XIV for each of the pollutants concerned.

4. Member States shall notify the Commission without delay where, in their view, paragraphs 1 or 2 are applicable, and shall communicate the plans or programmes and air pollution abatement programme referred to in paragraph 1 including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

Where the Commission has raised no objections within nine months of receipt of that notification, the relevant conditions for the application of paragraphs 1 or 2 shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust or provide new plans or programmes or air pollution abatement programmes.

Or. sv

Justification

Protecting human health from harmful effects of air pollution is a matter of the highest priority. Allowing Member States five years to achieve both current and future air quality standards is a step in entirely the wrong direction which is in danger of drawing out and delaying the necessary measures to reduce emissions. It would also entail greater damage to health than if the standards were met on schedule. How great the damage would be is unknown since the Commission has failed to carry out any environmental impact assessment, far less any socio-economic impact assessment, of this proposal. It is, moreover, highly unlikely that the Commission has, or will have, sufficient resources to make a critical examination and assessment that all reasonable measures have actually been taken in time –

which, of course, is the very basis on which the proposed exemption could be granted. The likely outcome of this exemption paragraph, therefore, is that several Member States will request postponements for a number of zones and that the Commission will be compelled to accept most of these applications provided they do not have any serious shortcomings. Such an approach would, in practice, leave the way open for a 5-year postponement of the standard's entry into force in those areas with the biggest problems, which in all likelihood would entail significant consequences for health. Allowing this type of reprieve might also, in practice, mean that those countries which have so far made least effort to comply with the limit values are, paradoxically enough, 'rewarded' with a postponement.

Amendment by Satu Hassi

Amendment 105
Article 20

Article 20

deleted

Postponement of attainment deadlines and exemption from the obligation to apply certain limit values

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the concentration cap for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to the following conditions:

(a) establishment of a plan or a programme in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and communication of that plan or programme to the Commission;

(b) establishment, and communication to the Commission, of an air pollution abatement programme for the period of the postponement, which incorporates at least the information listed in Annex XV section B, and demonstrates that conformity will be achieved with the limit values or concentration caps before the new deadline.

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM10 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 until 31 December 2009 at the latest, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

3. Where a Member State applies paragraphs 1 or 2, it shall ensure that the limit value or concentration cap for each pollutant is not exceeded by more than the maximum margin of tolerance specified for each of the pollutants concerned in Annexes XI or XIV.

4. Member States shall notify the Commission without delay where, in their view, paragraphs 1 or 2 are applicable, and shall transmit the plans or programmes and air pollution abatement programme referred to in paragraph 1(a) and (b) including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

Where the Commission has raised no objections within nine months of receipt of that notification, the relevant conditions for the application of paragraph 1 or paragraph 2 shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust or provide new plans or programmes or air pollution abatement programmes.

Or. en

Justification

The limit values only provide a minimum level of protection against the health damage of air pollution. In order to reduce pollution it is necessary that standards are legally binding and maintained. The Commission would also have an extremely difficult and sensitive task in assessing in which cases

Member States could be permitted the extra time. Local and regional authorities need legal certainty in order to take the necessary steps to improve air quality.

Amendment by Anja Weisgerber

Amendment 106
Article 20, paragraph 1

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the **concentration cap** for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, **subject to** the following conditions:

(a) establishment **of a plan or a programme** in accordance with **Article 21** for the zone or agglomeration to which the postponement would apply, and communication of that plan **or programme** to the Commission;

(b) establishment of an air pollution abatement programme for the period of the postponement, which incorporates at least the information listed in Section B of Annex XV, and demonstrates that conformity will be achieved with the limit values or concentration caps before the new deadline, and communication of that programme to the Commission.

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the **target value** for PM_{2,5} concentration cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration **if all necessary and proportionate measures have been taken at local and regional level in order to comply with the limit and target values. The deadline shall be postponed in particular in instances where the Commission has not introduced the measures set out in the thematic strategy for reducing emissions at source and** the following conditions **have been met:**

establishment of **an air pollution abatement** plan in accordance with **paragraph 1** for the zone or agglomeration to which the postponement would apply, and communication of that plan to the Commission; **that plan shall also contain the information listed in Section B of Annex XV.**

Or. de

Justification

Systematic and linguistic simplification is the main purpose of the proposed merging of subparagraphs 1(a) and 1(b). Postponing the deadline should be conditional, and the measures provided for in the thematic strategy must also be taken into account.

Amendment by Jules Maaten

Amendment 107

Article 20, paragraph 1

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the **concentration cap** for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of **five** years for that particular zone or agglomeration, **subject to the following conditions:**

(a) establishment of a plan or a programme in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and communication of that plan or programme to the Commission;

(b) establishment of an air pollution abatement programme for the period of the postponement, which incorporates at least the information listed in Section B of Annex XV, and demonstrates that conformity will be achieved with the limit values or concentration caps before the new deadline, and communication of that programme to the Commission.

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the **target value** for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of **seven** years for that particular zone or agglomeration, **if a plan or a programme is drawn up for the zone or agglomeration in accordance with Article 21 indicating that the limit values and target values will be complied with by the new deadline.**

The deadlines specified in Annexes XI and XIV shall be extended by a year for every year the Commission fails to present a European action plan to implement the source-based measures presented with the Thematic Strategy.

Or. en

Justification

Five years is short for the most challenged areas, considering the difficulty to attain the targets and the time needed for the necessary investments and policies to abate pollution. A seven years extension is granted to the most polluted areas and the areas with specific conditions, as long as they show that they are taking appropriate measures in order to move towards the objectives.

Amendment by Marie-Noëlle Lienemann

Amendment 108

Article 20, paragraph 1, subparagraph 1

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the **concentration cap** for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, **subject to the following conditions:**

(a) establishment of a plan or a programme in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and communication of that plan or programme to the Commission;

(b) establishment of an air pollution abatement programme for the period of the postponement, which incorporates at least the information listed in Section B of Annex XV, and demonstrates that conformity will be achieved with the limit values or concentration caps before the new deadline, and communication of that programme to the Commission.

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the **limit value** for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to the following conditions, **on condition that a plan or programme is established for the zone or agglomeration, in accordance with Article 21, showing that the limit values and target values will be attained before the new deadline.**

Or. fr

Justification

*Simplification and consistency with the revised version of Amendment 2, which reintroduces the notion of a **limit value** for PM_{2,5}.*

Amendment by Johannes Blokland

Amendment 109

Article 20, paragraph 1

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the concentration cap for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to the following conditions:

- (a) **establishment of a plan or a programme** in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and **communication of that plan or programme** to the Commission;
- (b) **establishment of an air pollution abatement programme for the period of the postponement, which incorporates at least the information listed in Section B of Annex XV, and demonstrates that** conformity will be achieved with the limit values or concentration caps **before the new deadline, and communication of that programme to the Commission.**

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the concentration cap for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, **because of relevant conditions such as: site-specific dispersion characteristics, adverse climatic conditions, transboundary contributions or delayed establishment or lack of the necessary Community measures**, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to the following conditions:

- (a) **an air quality plan is established and implemented** in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and **is communicated** to the Commission;
- (b) **the air quality plan is supplemented by** the information listed in Section B of Annex XV and **indicates when** conformity will be achieved with the limit values or concentration caps, **taking into account the estimated effects of Community measures on air quality in the Member State.**

Or. en

Justification

One of the major problems with the current directive is that there is no link between the limit values and the adoption of Community measures that would allow Member States to attain these limit values. This amendment introduces this link. Member States should take all necessary efforts to attain the limit values, but when lack of Community measures makes it impossible for them to comply with this directive, it should be possible for Member States to get a postponement of the deadlines.

Amendment by Ria Oomen-Ruijten, Jules Maaten

Amendment 110 Article 20, paragraph 1

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the **concentration cap** for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, **a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to** the following conditions:

(a) establishment of a plan or a programme in accordance with Article 21 for the zone or agglomeration to which **the** postponement **would apply**, and **communication of** that plan or programme to the Commission;

(b) establishment of an air pollution abatement programme **for the period of the postponement, which incorporates at least** the information listed in Section B of Annex XV, and **demonstrates that** conformity will be achieved with the limit values or **concentration caps before the new**

1. Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the **target value** for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, **the Member States must report annually on the results achieved and make proposals which comply with** the following conditions.

A plan or a programme **shall be established** in accordance with Article 21 for the zone or agglomeration to which **a** postponement **applies**, and that plan or programme **shall be communicated** to the Commission. **The** air pollution abatement **plan or** programme **shall be supplemented by** the information listed in Section B of Annex XV **and shall demonstrate when** conformity will be achieved with the limit values or **target value. The programme shall also take account of the estimated impact of European measures in the field of air quality in the Member State.** **The programme shall be communicated to** the Commission.

deadline, and communication of that programme to the Commission.

Or. nl

Amendment by Dorette Corbey

Amendment 111
Article 20, paragraph 1

Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the concentration cap for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to the following conditions:

(a) establishment of a plan or a programme in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and communication of that plan or programme to the Commission;

(b) establishment of an air pollution abatement programme for the period of the postponement, ***which incorporates at least the information listed in Section B of Annex XV, and demonstrates that*** conformity will be achieved with the limit values or concentration caps before the new deadline, and communication of that programme to the Commission.

Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the concentration cap for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to the following conditions:

(-a) the Member State must demonstrate that it has fully implemented the directives and measures referred to in Annex XV, Section B;

(a) establishment of a plan or a programme in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and communication of that plan or programme to the Commission;

(b) establishment of an air pollution abatement programme for the period of the postponement ***by means of which*** conformity will be achieved with the limit values or concentration caps before the new deadline, and communication of that programme to the Commission.

Or. nl

Justification

Extensions to the implementation deadlines and exemptions from the requirement to apply certain limit values may be granted only if the Member State concerned has implemented all relevant directives and at the same time shows that it will be able to comply with the deadlines and limit values within the period of the extension or exemption.

Amendment by Guido Sacconi

Amendment 112 Article 20, paragraph 1

Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the concentration cap for PM_{2,5} cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to the following conditions:

(a) establishment of a plan or a programme in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and communication of that plan or programme to the Commission;

(b) establishment of an air pollution abatement programme for the period of the postponement, which incorporates at least the information listed in Section B of Annex XV, and demonstrates that conformity will be achieved with the limit values or concentration caps before the new deadline, and communication of that programme to the Commission.

Where, in a given zone or agglomeration, conformity with the limit values for nitrogen dioxide or benzene or the concentration cap for PM_{2,5} **demonstrably** cannot be achieved by the deadlines specified in Annex XI or in Section C of Annex XIV, a Member State may postpone those deadlines by a maximum of five years for that particular zone or agglomeration, subject to the following conditions:

(a) establishment ***within six month of the Directive's entry into force*** of a plan or a programme in accordance with Article 21 for the zone or agglomeration to which the postponement would apply, and communication of that plan or programme to the Commission;

(b) establishment ***within six month of the Directive's entry into force*** of an air pollution abatement programme for the period of the postponement, which incorporates at least the information listed in Section B of Annex XV, and demonstrates that conformity will be achieved with the limit values or concentration caps before the new deadline, and ***immediate*** communication of that programme to the Commission.

Or. it

Justification

The inability to comply with the limit values laid down by the Directive must be genuine and properly documented, with it being clearly shown that there is an objective impediment to the problem being dealt with within the deadlines laid down. Plans or programmes must be established at the earliest opportunity if they are to be effective.

Amendment by Vasco Graça Moura

Amendment 113

Article 20, paragraph 1, point (b)

(b) establishment of an air pollution abatement programme for the period of the postponement, which incorporates at least the information listed in Section B of Annex XV, and demonstrates that conformity will be achieved with the limit values or concentration caps before the new deadline, and communication of that programme to the Commission.

(b) establishment of an air pollution abatement programme for the period of the postponement, which incorporates at least the information ***relating to the pollutant whose limit value cannot be respected*** listed in Section B of Annex XV, and demonstrates that conformity will be achieved with the limit values or concentration caps before the new deadline, and communication of that programme to the Commission.

Or. pt

Justification

Section B of Annex XV contains a detailed list of planned and existing directives. The procedure should be simplified by limiting the information to be supplied to the specific pollutant concerned.

Amendment by Guido Sacconi

Amendment 114

Article 20, paragraph 2

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ as specified in Annex XI cannot be achieved because of site-specific dispersion characteristics, adverse climatic conditions

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ as specified in Annex XI ***demonstrably*** cannot be achieved because of site-specific dispersion characteristics, adverse climatic

or transboundary contributions, Member States shall be exempt from the obligation to apply those limit values until 31 December 2009 at the latest, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

conditions or transboundary contributions, Member States shall be exempt from the obligation to apply those limit values until 31 December 2009 at the latest, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

Or. it

Justification

The inability to comply with the limit values laid down by the Directive must be genuine and properly documented, with it being clearly shown that there is an objective impediment to the problem being dealt with within the deadlines laid down.

Amendment by Johannes Blokland

Amendment 115 Article 20, paragraph 2

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 until **31 December 2009** at the latest, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ as specified in Annex XI cannot be achieved because of **relevant conditions, such as:** site-specific dispersion characteristics, adverse climatic conditions, transboundary contributions, **or delayed establishment or lack of the necessary Community measures,** Member States shall be exempt from the obligation to apply those limit values until **[five years after the entry into force of this Directive]** at the latest, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

Or. en

Justification

One of the major problems with the current directive is that there is no link between the limit values and the adoption of Community measures that would allow Member States to attain

these limit values. This amendment introduces this link. Member States should take all necessary efforts to attain the limit values, but when lack of Community measures makes it impossible for them to comply with this directive, it should be possible for Member States to get a postponement of the deadlines.

Amendment by Ria Oomen-Ruijten, Jules Maaten

Amendment 116
Article 20, paragraph 2

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 **until 31 December 2009 at the latest**, provided that the conditions laid down in **paragraph 1(a) and (b)** are fulfilled.

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ as specified in Annex XI cannot be achieved because of **relevant circumstances such as** site-specific dispersion characteristics, adverse climatic conditions, transboundary contributions **or a delay due to the absence of European initiatives**, Member States shall be exempt from the obligation to apply those limit values, provided that the conditions laid down in **paragraph 1** are fulfilled.

Or. nl

Amendment by Françoise Grossetête

Amendment 117
Article 20, paragraph 2

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 until 31 December 2009 at the latest, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ as specified in Annex XI cannot be achieved because of site-specific dispersion characteristics, adverse climatic conditions or transboundary contributions **or where, on an exceptional basis, additional time is needed for measures to reduce emissions from the sources responsible for exceedances to result in an effective reduction in concentrations in ambient air**, Member States shall be exempt from the obligation to apply those limit values until

31 December 2009 at the latest, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

Or. fr

Justification

Exceptional cases exist in which additional time is needed for an effective reduction in concentrations in ambient air.

Amendment by Jules Maaten

Amendment 118
Article 20, paragraph 2

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 until **31 December 2009 at the latest**, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 until **[seven years after the entry into force of this Directive]**, provided that the conditions laid down in paragraph 1 are fulfilled.

Or. en

Justification

Five years is short for the most challenged areas, considering the difficulty to attain the targets and the time needed for the necessary investments and policies to abate pollution. A seven years extension is granted to the most polluted areas and the areas with specific conditions, as long as they show that they are taking appropriate measures in order to move towards the objectives.

Amendment by Anja Weisgerber

Amendment 119
Article 20, paragraph 2

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 ***until 31 December 2009 at the latest***, provided that the conditions laid down in paragraph 1(a) and (b) are fulfilled.

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 ***for no more than five years after the entry into force of this Directive***, provided that the conditions laid down in paragraph 1 are fulfilled.

Or. de

Justification

The projected deadline is unrealistic, bearing in mind the codecision procedure, the deadlines for transposition and the necessary procedural measures to be taken to draw up the plans and programmes in the Member States. The extended time limit has accordingly been brought into line with the time limit provided for in Article 20(1).

Amendment by Dorette Corbey

Amendment 120
Article 20, paragraph 2

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 until 31 December 2009 at the latest, provided that the conditions laid down in ***paragraph 1(a) and (b)*** are fulfilled.

2. Where, in a given zone or agglomeration, conformity with the limit values for sulphur dioxide, carbon monoxide, lead and PM₁₀ 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 until 31 December 2009 at the latest, provided that the conditions laid down in ***paragraph 1(aa), (a) and (b)*** are fulfilled.

Or. nl

Justification

The linkage between European measures to limit emissions by various sectors and the scope for Member States to comply with limit values and concentration caps is very important. The possibility of increasing them as referred to in paragraph 2a should be viewed in conjunction with Amendment 4.

Amendment by Anja Weisgerber

Amendment 121

Article 20, paragraph 2 a (new)

2a. Where, in a given zone or agglomeration, conformity with the limit values or target values referred to in paragraphs 1 and 2 still cannot be achieved by the deadline set therein, a Member State may postpone those deadlines by a further five years for that particular zone or agglomeration if all necessary and proportionate measures have been taken at local and regional level in order to comply with the limit and target values, air quality has fallen continuously and the following conditions have been met:

(a) establishment of an air pollution abatement plan in accordance with paragraph 1(a) and (b) for the zone or agglomeration to which the postponement would apply.

Where the Commission has raised no objections within nine months of receipt of relevant notification, the conditions for the application of paragraph 2a shall be deemed to have been satisfied. In the process, the Commission shall take account of the extent to which Community measures have been taken, in particular the measures proposed in the thematic strategy for reducing emissions at source.

Or. de

Justification

Even after a postponement, some zones will not be able to ensure compliance with limit values. In some cases, adverse circumstances prevent air quality degradation from being combated through local measures alone. An additional extension of up to five more years should therefore be possible (subject to strict conditions). The main condition must be that the zones concerned must have taken all necessary and proportionate measures to reduce pollution there.

Amendment by Johannes Blokland

Amendment 122

Article 20, paragraph 2 a (new)

2a. Where the air quality plan under paragraph 1 for a given zone or agglomeration demonstrates that the limit values or the concentration cap cannot be met within the new deadlines under paragraphs 1 and 2, the Member State may postpone those deadlines for one additional period of up to five years for that particular zone or agglomeration if it is demonstrated that all reasonable measures have been taken to move towards compliance. The air quality plan shall demonstrate that conformity with the limit values will be achieved within the additional period and shall be supplemented with the following information:

(a) the causes of the exceedance after the deadlines mentioned in paragraphs 1 and 2, and

(b) what measures the Member State will need to take to comply with the limit values within the additional period, taking into account the estimated effects of Community measures on air quality in the Member State.

Or. en

Justification

One of the major problems with the current directive is that there is no link between the limit values and the adoption of Community measures that would allow Member States to attain these limit values. This amendment introduces this link. Member States should take all necessary efforts to attain the limit values, but when lack of Community measures makes it impossible for them to comply with this directive, it should be possible for Member States to get a postponement of the deadlines.

Amendment by Dorette Corbey

Amendment 123

Article 20, paragraph 2 a (new)

2a. If the necessary measures at source, including at the minimum the measures at source listed in Annex XVIII, have not entered into force by 1 January 2010, a Member State may obtain a temporary increase in all the limit values or concentration caps referred to in paragraphs 1 and 2. This temporary increase must be proportional to the reduction of pollution which could have been achieved by means of the entry into force of the measure to reduce emissions at source on 1 January 2010, must not exceed the margin of tolerance and must not continue after the measure taken at source enters into force.

Or. nl

Justification

The linkage between European measures to limit emissions by various sectors and the scope for Member States to comply with limit values and concentration caps is very important. The possibility of increasing them as referred to in paragraph 2a should be viewed in conjunction with Amendment 4.

Amendment by Johannes Blokland

Amendment 124
Article 20, paragraph 3

3. Where a Member State applies paragraphs 1 *or* 2, it shall ensure that the limit value or concentration cap for each pollutant is not exceeded by more than the maximum margin of tolerance specified in Annexes XI or XIV for each of the pollutants concerned.

3. Where a Member State applies paragraphs 1, 2 *or* 2a, it shall ensure that the limit value or concentration cap for each pollutant is not exceeded by more than the maximum margin of tolerance specified in Annexes XI or XIV for each of the pollutants concerned.

Or. en

Justification

One of the major problems with the current directive is that there is no link between the limit values and the adoption of Community measures that would allow Member States to attain these limit values. This amendment introduces this link. Member States should take all necessary efforts to attain the limit values, but when lack of Community measures makes it impossible for them to comply with this directive, it should be possible for Member States to get a postponement of the deadlines.

Amendment by Dorette Corbey

Amendment 125
Article 20, paragraph 3

3. Where a Member State applies paragraphs 1 *or* 2, it shall ensure that the limit value or concentration cap for each pollutant is not exceeded by more than the maximum margin of tolerance specified in Annexes XI or XIV for each of the pollutants concerned.

3. Where a Member State applies paragraphs 1, 2 *or* 2a, it shall ensure that the limit value or concentration cap for each pollutant is not exceeded by more than the maximum margin of tolerance specified in Annexes XI or XIV for each of the pollutants concerned.

Or. nl

Justification

The linkage between European measures to limit emissions by various sectors and the scope for Member States to comply with limit values and concentration caps is very important. The possibility of increasing them as referred to in paragraph 2a should be viewed in conjunction with Amendment 4.

Amendment by Anja Weisgerber

Amendment 126
Article 20, paragraph 3

3. Where a Member State applies paragraphs 1 *or* 2, it shall ensure that the limit value or **concentration cap** for each pollutant is not exceeded by more than the maximum margin of tolerance specified in Annexes XI or XIV for each of the pollutants concerned.

3. Where a Member State applies paragraphs 1, 2 *or* 2(a), it shall ensure that the limit value or **target value** for each pollutant is not exceeded by more than the maximum margin of tolerance specified in Annexes XI or XIV for each of the pollutants concerned.

Or. de

Justification

Brings text into line with amendment concerning Article 20(2a).

Amendment by Ria Oomen-Ruijten, Jules Maaten

Amendment 127
Article 20, paragraph 3

3. Where a Member State applies paragraphs 1 *or* 2, it shall ensure that the limit value or **concentration cap** for each pollutant is not exceeded by more than the maximum margin of tolerance specified in Annexes XI or XIV for each of the pollutants concerned.

3. Where a Member State applies paragraphs 1, 2 *or* 3, it shall ensure that the limit value or **target value** for each pollutant is not exceeded by more than the maximum margin of tolerance specified in Annexes XI or XIV for each of the pollutants concerned.

Or. nl

Amendment by Ria Oomen-Ruijten, Jules Maaten

Amendment 128
Article 20, paragraph 3 a (new)

3a. If the plan or programme referred to in paragraph 1 for a particular zone or agglomeration confirms that the limit values or target values cannot be attained, Member States must demonstrate that all possible measures have been taken by means of a report comprising the following

elements:

a. the reasons for the exceedance;

b. the measures taken to attain the limit values or target values.

Or. nl

Amendment by Johannes Blokland

Amendment 129

Article 20, paragraph 4

4. Member States shall notify the Commission without delay where, in their view, paragraphs 1 *or* 2 are applicable, and shall communicate the plans *or programmes and air pollution abatement programme* referred to in paragraph 1 including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

Where the Commission has raised no objections within nine months of receipt of that notification, the relevant conditions for the application of paragraphs 1 *or* 2 shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust or provide new plans *or programmes or air pollution abatement programmes*.

4. Member States shall notify the Commission without delay where, in their view, paragraphs 1, 2 *or 2a* are applicable, and shall communicate the plans referred to in paragraph 1 including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

Where the Commission has raised no objections within nine months of receipt of that notification, the relevant conditions for the application of paragraphs 1, 2 *or 2a* shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust or provide new *air quality* plans.

Or. en

Justification

One of the major problems with the current directive is that there is no link between the limit values and the adoption of Community measures that would allow Member States to attain these limit values. This amendment introduces this link. Member States should take all necessary efforts to attain the limit values, but when lack of Community measures makes it impossible for them to comply with this directive, it should be possible for Member States to get a postponement of the deadlines.

Amendment by Dorette Corbey

Amendment 130
Article 20, paragraph 4

4. Member States shall notify the Commission without delay where, in their view, paragraphs **1 or 2** are applicable, and shall communicate the plans or programmes and air pollution abatement programme referred to in paragraph 1 including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

Where the Commission has raised no objections within **nine months** of receipt of that notification, the relevant conditions for the application of paragraphs **1 or 2** shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust or provide new plans or programmes or air pollution abatement programmes.

4. Member States shall notify the Commission without delay where, in their view, paragraphs **1, 2 or 2a** are applicable, and shall communicate the plans or programmes and air pollution abatement programme referred to in paragraph 1 including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

The Commission shall take a decision after consulting the Member States. Where the Commission has raised no objections within **six months** of receipt of that notification, the relevant conditions for the application of paragraphs **1, 2 or 2a** shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust or provide new plans or programmes or air pollution abatement programmes.

Or. nl

Justification

The linkage between European measures to limit emissions by various sectors and the scope for Member States to comply with limit values and concentration caps is very important. The possibility of increasing them as referred to in paragraph 2a should be viewed in conjunction with Amendment 4.

Amendment by Anja Weisgerber

Amendment 131
Article 20, paragraph 4

4. Member States shall notify the Commission without delay where, in their view, paragraphs **1 or 2** are applicable, and shall communicate the **plans or programmes**

4. Member States shall notify the Commission without delay where, in their view, paragraphs **1, 2 or 2a** are applicable, and shall communicate the air pollution

and air pollution abatement **programme** referred to in paragraph 1 including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

Where the Commission has raised no objections within **nine** months of receipt of that notification, the relevant conditions for the application of paragraphs 1 **or** 2 shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust or provide new **plans or programmes or** air pollution abatement **programmes**.

abatement **plan** referred to in paragraph 1 including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

Where the Commission has raised no objections within **six** months of receipt of that notification, the relevant conditions for the application of paragraphs 1, 2 **or 2a** shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust **the plan** or provide **a** new air pollution abatement **plan**.

Or. de

Justification

The changes follow on from the amendment to Article 20(1). The Commission's verification period should be reduced from nine months to six because the local and regional authorities concerned need legal certainty without delay.

Amendment by Ria Oomen-Ruijten, Jules Maaten

Amendment 132 Article 20, paragraph 4

4. Member States shall notify the Commission without delay where, in their view, paragraphs **1 or 2** are applicable, and shall communicate the plans or programmes and air pollution abatement programme referred to in paragraph 1 including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

Where the Commission has raised no objections within nine months of receipt of that notification, the relevant conditions for the application of paragraphs **1 or 2** shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust or provide new plans or programmes or air

4. Member States shall notify the Commission without delay where, in their view, paragraphs **1, 2 or 3** are applicable, and shall communicate the plans or programmes and air pollution abatement programme referred to in paragraph 1 including all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied.

Where the Commission has raised no objections within nine months of receipt of that notification, the relevant conditions for the application of paragraphs **1, 2 or 3** shall be deemed to be satisfied.

If objections are raised, the Commission may require Member States to adjust or provide new plans or programmes or air

pollution abatement programmes.

pollution abatement programmes.

Or. nl

Amendment by Anja Weisgerber

Amendment 133

Article 20, paragraph 4 a (new)

4a. With reference to the information submitted by Member States in accordance with paragraph 4, the Commission shall verify whether additional measures should be taken at Community level in order to support the effective implementation of the measures set out in the air pollution abatement plan in accordance with paragraph 1.

Or. de

Justification

If many European regions request extensions to the time limit for compliance with limit values, the Commission should verify whether further measures should be taken at Community level in order to improve air quality.

Amendment by Marie-Noëlle Lienemann

Amendment 134

Article 20, paragraph 4 a (new)

4a. Each Member State may decide to defer implementation of this Directive until the deadline for its review laid down in Article 30. They shall have 6 months following publication of this Directive in which to notify the Commission of this, and shall in that case be required to comply with the terms of Directive 1999/30/EC. The Commission shall publish, within one month following notification by the Member States, the list of the States

governed by this Directive and those still governed by Directive 1999/30/EC.

Or. fr

Justification

Some Member States encounter technical, social and financial obstacles to improving air quality in certain zones on their territory. They should be allowed time to consolidate the measures they have implemented for bringing sources of pollution under control and monitoring air quality. For all that, Member States that are willing and able to achieve better air quality objectives should not be restrained in their efforts. The definition of objectives and reasonable constraints, based on current scientific knowledge and on the use of the best technologies available, should enable a horizon of progress, reviewable after 5 years, to be outlined for all. This approach must respect the right to information of the parties concerned.

Amendment by Riitta Myller, Åsa Westlund, Dan Jørgensen

Amendment 135

Article 21, paragraph 1, subparagraph 3 a (new)

A separate follow-up shall also be carried out in 2015 to ensure that all Member States will meet the exposure reduction targets for 2020 laid down in Annex XIV. Member States which are at risk of not meeting the exposure reduction targets for 2020 shall draw up programmes to ensure that the targets are met.

Or. sv

Justification

A separate follow-up on the exposure reduction targets in 2015 increases the chances of meeting the exposure reduction targets by 2020.

Amendment by Evangelia Tzampazi

Amendment 136

Article 21, paragraph 3

3. The plans or programmes referred to in paragraph 1 and the air pollution abatement programmes referred to in Article 20(1)(b) shall not be subject to assessment under Directive 2001/42/EC.

3. The plans or programmes referred to in paragraph 1 and the air pollution abatement programmes referred to in Article 20(1)(b) shall not be subject to assessment under Directive 2001/42/EC ***unless they set the framework for development consent of projects.***

Or. en

Justification

Where these plans and programmes envisage the development of projects their environmental effects are likely to go beyond air quality. As the purpose of these plans and programmes is the direct improvement of air quality and the environment they should therefore be subject to assessment under Directive 2001/42/EC. This amendment will ensure that all the environmental effects of these plans and programmes will be considered, and their consistency with other relevant plans will be taken into account.

Amendment by Dorette Corbey

Amendment 137

Article 21, paragraph 3 a (new)

3a. Where Member States can demonstrate in their plans or programmes that the existing harmonisation pursuant to Article 95 is inadequate for a sufficient improvement in air quality, the Commission shall enable them to take more far-reaching measures if these Member States so request the Commission pursuant to Article 95 (4) and (5) of the Treaty.

Or. nl

Justification

A Member State's internal market provisions should take account of a high level of environmental protection, including with regard to improving air quality.

Amendment by Guido Sacconi

Amendment 138

Article 22, paragraph 1, subparagraph 1

1. Where, in a given zone or agglomeration, there is a risk that the levels of pollutants in ambient air will exceed one or more of the limit values, concentration caps, target values or alert thresholds specified in Annexes VII, XI, Section A of Annex XII, and Annex XIV, Member States shall, *where appropriate*, draw up action plans indicating the measures to be taken in the short term in order to reduce that risk and to limit the duration of such an occurrence.

1. Where, in a given zone or agglomeration, there is a risk that the levels of pollutants in ambient air will exceed one or more of the limit values, concentration caps, target values or alert thresholds specified in Annexes VII, XI, Section A of Annex XII, and Annex XIV, Member States shall draw up action plans indicating the measures to be taken in the short term in order to reduce that risk and to limit the duration of such an occurrence.

Or. it

Justification

If there is a risk of limit values, concentration caps, target values or alert thresholds being exceeded, a short-term plan must be drawn up: given that the limits are set with a view to protecting human health and ecosystems, swift, effective action must be taken to prevent them from being exceeded.

Amendment by Guido Sacconi

Amendment 139

Article 22, paragraph 2

2. The short-term action plans referred to in paragraph 1 *may, depending on the individual case*, provide for measures to control and, where necessary, suspend activities, including motor-vehicle traffic, which contribute to the risk of the respective limit values or concentration caps or target value or alert threshold being exceeded. Those action plans may also include effective measures in relation to the use of industrial plants or products.

2. The short-term action plans referred to in paragraph 1 *shall* provide for measures to control and, where necessary, suspend activities, including motor-vehicle traffic, which contribute to the risk of the respective limit values or concentration caps or target value or alert threshold being exceeded. Those action plans may also include effective measures in relation to the use of industrial plants or products.

Or. it

Justification

The aim of short-term action plans is swiftly and effectively to reduce emissions resulting in excessive public exposure. The suspension of pollution-generating activities is the fastest means of doing so and must be implemented without delay.

Amendment by María del Pilar Ayuso González

Amendment 140
Article 22, paragraph 2

2. The short-term action plans referred to in paragraph 1 may, depending on the individual case, provide for measures to control and, where necessary, suspend activities, ***including motor-vehicle traffic***, which ***contribute to the*** risk of the respective limit values or concentration caps or target value or alert threshold being exceeded. ***Those action plans may also include effective measures in relation to the use of industrial plants or products.***

2. The short-term action plans referred to in paragraph 1 may, depending on the individual case, provide for measures ***of proven short-term efficacy*** to control and, where necessary, suspend activities which ***are clearly responsible for the increased*** risk of the respective limit values or concentration caps or target value or alert threshold being exceeded.

Or. es

Justification

The measures included in the short-term action plans must be genuinely effective in the short term. Moreover, in the event that activities are to be suspended, the causal relation must be clear. Finally, it is arbitrary to mention only motor-vehicle traffic.

Amendment by Adriana Poli Bortone

Amendment 141
Article 25 a (new)

Article 25 a

1. With a view to meeting the obligations laid down, starting two years after the entry into force of the implementing measures

referred to in Article 26(2) of this Directive, Member States shall, each year, forward the following to the Commission:

(a) no later than nine months after the end of each year, the list of zones and agglomerations referred to in Article 4;

(b) no later than nine months after the end of each year, in respect of zones and agglomerations in which levels of one or more pollutants are higher than the limit values or the concentration cap plus the maximum margin of tolerance or higher than the target values or critical levels, the readings taken and, where appropriate, the dates or periods when those values were exceeded;

(c) without delay and no later than two years after the end of the year in which the levels were first found to have been exceeded, the air quality plans referred to in Article 21(1);

(d) for each month between April and September each year, provisional information on the levels recorded and the duration of the period during which the alert threshold for ozone and the information threshold were exceeded;

(e) no later than nine months after the end of each year, information on instances when the alert threshold or information threshold were exceeded, on the concentration of ozone precursor substances referred to in Annex X and on the concentration of PM_{2,5} and chemical speciation at background locations, as referred to in Article 6(5).

Or. it

Justification

The information which Member States forward to the Commission must be both prompt and clear and must provide the necessary degree of legal certainty. The additions made are in line with Article 11(1) of Directive 96/62/EC and Article 10(1) and 10(2) of Directive 2002/3/EC. This will avoid the comitology procedure put forward by the Commission.

Amendment by Adriana Poli Bortone

Amendment 142
Article 29, point (b)

(b) Article 11(1) of Directive 96/62/EC and Article 10(1) and (2) of Directive 2002/3/EC until the entry into force of the implementing measures referred to in Article 26(2) of this Directive;

(b) Article 11(1) of Directive 96/62/EC and Article 10(1) and (2) of Directive 2002/3/EC until **two years after** the entry into force of the implementing measures referred to in Article 26(2) of this Directive;

Or. it

Justification

The Member States must be given time to adjust their national systems, given that the implementing measures to be laid down by the Commission will contain new data transmission provisions.

Amendment by Anja Weisgerber

Amendment 143
Article 30

The Commission will review, within five years following the **adoption** of this Directive, the provisions **related to PM_{2,5}**. In particular the Commission 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**.

The Commission will review, within five years following the **entry into force** of this Directive, the provisions **concerning air pollutants, account being taken of the latest scientific findings**. In particular the Commission will **verify to what extent the air abatement measures set out in the thematic strategy on air pollution abatement have been proposed and implemented and whether the predicted air quality improvement has taken place because of those measures or whether it appears necessary to correct the strategy and/or the Directive**.

Or. de

Justification

A package of measures at European, national and local authority level is necessary for lasting and sustainable improvement in air quality. Pollutant emissions must be combated at source, and a check should be made as to whether, at European level, the measures proposed by the Commission to that end are adequate.

Amendment by María del Pilar Ayuso González

Amendment 144

Article 30

The Commission will review, within five years following the **adoption** of this Directive, the provisions related to PM_{2.5}. In particular the Commission 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.

The Commission will review, within five years following the **entry into force** of this Directive, the provisions related to PM_{2.5} **and PM₁₀, taking account of the latest scientific knowledge**. In particular the Commission will, **where appropriate**, develop and propose a detailed approach to establish obligations which take account of differing future air quality situations and reduction potentials in the Member States.

Or. es

Justification

It is not advisable to limit the forthcoming review of the Directive at this stage. A review must be based on the new data and scientific knowledge emerging over the next five years.

Amendment by Martin Callanan

Amendment 145

Article 30

The Commission will review, within five years following the adoption of this Directive, the provisions related to PM_{2.5}. **In particular** the Commission will develop and propose **a detailed approach to establish legally binding exposure reduction**

The Commission will review, within five years following the adoption of this Directive, the provisions related to PM_{2.5} **and PM₁₀, taking account of developments in scientific knowledge**. **If appropriate**, the Commission will develop and propose

obligations which take account of differing future air quality situations and reduction potentials in the Member States.

revised obligations which take account of differing future air quality situations and *the* potential *for further cost-effective improvements* in the Member States.

Or. en

Justification

It is premature to presuppose that further measures should be legally binding.

PM10 should be included as scientific understanding continues to advance. US-EPA are already proposing to revoke both their annual and 24-hr PM10 National Ambient Air Quality Standard and instead introduce a 24-hr PM10-2.5 National Ambient Air Quality Standard. On the basis that "current scientific evidence does not show significant public health risks associated with long-term exposure to coarse particles" and "there is not sufficient scientific evidence to support a long-term standard for coarse particles".

Amendment by Jules Maaten

Amendment 146
Article 30

The Commission will review, within five years following the adoption of this Directive, the provisions related to PM_{2.5}. In particular the Commission 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.

The Commission will review, within five years following the adoption of this Directive, the provisions related to PM_{2.5}. In particular the Commission 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. ***In the review, the Commission shall ascertain whether it is sufficient to continue to set limit values for PM₁₀ or whether these should be replaced with limit values for PM_{2.5}.***

Or. nl

Justification

The directive introduces PM_{2.5} in addition to PM₁₀. If during the review of the directive it becomes apparent that limit values for PM_{2.5} are desirable, the PM₁₀ standard should be abolished. Otherwise only the PM₁₀ standard should be retained. At all events, after the review only limit values for one standard should remain in force.

Amendment by Marie-Noëlle Lienemann

Amendment 147
Article 30

The Commission will review, within five years following the **adoption** of this Directive, the provisions related to PM_{2.5}. In particular the Commission 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.

The Commission will review, within five years following the **entry into force** of this Directive, the provisions related to PM_{2.5} **and PM₁₀**. In particular the Commission will develop and propose a detailed approach **aiming to harmonise the limit values adopted by** the Member States.

Or. fr

Justification

Seeks to enable the Commission to assess air quality in the Member States as regards PM_{2.5} and PM₁₀ to a reasonable timescale enabling Member States to implement the new provisions of this Directive or consolidate the provisions under Directive 1999/30/EC, before moving on to a second phase of air quality harmonisation within the Union.

Amendment by Françoise Grossetête

Amendment 148
Annex II, section A, point c)

Text proposed by the Commission

	24-hour average	Annual average PM ₁₀	Annual average PM _{2.5}
Upper assessment threshold	30 µg/m ³ , not to be exceeded more than 7 times in any calendar year	14 µg/m ³	10 µg/m ³

Lower assessment threshold	20 µg/m ³ , not to be exceeded more than 7 times in any calendar year	10 µg/m ³	7 µg/m ³
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Amendment by Parliament

	24-hour average	Annual average PM ₁₀	Annual average PM _{2,5}
Upper assessment threshold	30 µg/m ³ , <i>for PM₁₀ and 20 µg/m³ for PM_{2,5}</i> , not to be exceeded more than 7 times in any calendar year	<u>22</u> µg/m ³	<u>14</u> µg/m ³
Lower assessment threshold	20 µg/m ³ , <i>for PM₁₀ and 12 µg/m³ for PM_{2,5}</i> , not to be exceeded more than 7 times in any calendar year	<u>16</u> µg/m ³	<u>10</u> µg/m ³

Or. fr

Justification

The assessment thresholds enable the framing of monitoring strategy (by measurement or by modelling depending on levels) and the configuration of permanent monitoring stations. The proposal made in this amendment to double the thresholds for PM₁₀ would result, in France, in the discontinuation of all PM₁₀ monitoring in urban zones and its retention at the most polluted industrial and heavy traffic sites. Nevertheless, current knowledge suggests that particulate measurement is of vital importance, not least if used to design reliable modelling tools, which is not currently the case.

The annual thresholds proposed for PM₁₀ are based on the same pro rata as PM_{2,5} in relation to the limit value: upper threshold of 56% of 40µg/m³ and lower threshold of 40% of 40µg/m³.

For the daily thresholds, it is recommended that the initial text be maintained for PM₁₀ and specific values induced for PM_{2,5}.

Amendment by Holger Kraemer

Amendment 149

Annex III, Section A, point (a a) (new)

***(aa) ASSESSMENT OF COMPLIANCE
WITH LIMIT VALUES***

Compliance with limit values shall not be assessed at the following locations:

(a) in any place where, in accordance with the criteria in this annex, no sampling points for the pollutants concerned are to be sited;

(b) in zones to which the public does not have access and which are uninhabited or not permanently inhabited;

(c) on factory premises or at industrial installations to which all relevant provisions concerning health safety at work apply and to which the public does not have access;

(d) on roads, traffic islands and the central reservations of motorways and express ways.

Or. de

Justification

The new point (aa) is intended to make it clear that in certain places within a Member State's territory which are not relevant to the exposure of the population there is no need to assess compliance with the limit values. These include places to which the public is denied access or industrial installations to which the public does not have access and to which all relevant industrial safety provisions apply, plus roads (i.e. the carriage-way itself), traffic islands and central reservations on motorways and express ways where they have no human health significance in terms of exposure.

Amendment by Jules Maaten

Amendment 150

Annex III, Section A, point (a) a (new)

(aa) COMPLIANCE WITH LIMIT VALUES

Member States shall ensure that the values for sulphur dioxide, PM₁₀, lead and carbon monoxide in the air do not exceed the limit values stated in Annex XI anywhere in

their territory.

Compliance with the limit values shall not be required in the following locations:

(a) in any place where, in accordance with the criteria in this Annex, no sampling points for pollutants to which the Annex applies are sited;

(b) in areas to which the public do not have access or which are uninhabited or not permanently inhabited;

(c) on factory premises or at industrial installations to which all relevant provisions concerning health and safety at work apply and to which the public do not have access;

(d) on roads and the central reservations of motorways and expressways;

(e) in areas where the general public is not directly or indirectly exposed for a significant period.

Or. en

Justification

The new point (aa) is intended to make it clear that in certain places within a Member State's territory which are not relevant to the exposure of the population there is no need to comply with the limit values. These include places where the general public is not directly or indirectly exposed for a significant period, since Annex III requires that sampling points directed at the protection of human health should be sited where the population is likely to be exposed for a period which is significant in relation to the averaging period of the limit values or is generally exposed.

Amendment by Anja Weisgerber

Amendment 151
Annex V, Section A, point (a)

Commission proposal

Population of agglomeration or zone (thousands)	<i>If concentrations exceed the upper assessment threshold</i>	<i>If maximum concentrations are between the upper and lower assessment thresholds</i>
0-249	<i>1</i>	<i>1</i>
250-499	<i>2</i>	<i>1</i>
500-749	<i>2</i>	<i>1</i>
750-999	<i>3</i>	<i>1</i>
1 000-1 499	<i>4</i>	<i>2</i>
1 500-1 999	<i>5</i>	<i>2</i>
2 000-2 749	<i>6</i>	<i>3</i>
2 750-3 749	<i>7</i>	<i>3</i>
3 750-4 749	<i>8</i>	<i>4</i>
4 750-5 999	<i>9</i>	<i>4</i>
≥ 6 000	<i>10</i>	<i>5</i>

Parliament amendments

Population of agglomeration or zone (thousands)	<i>If concentrations exceed the upper assessment threshold</i>		<i>If maximum concentrations are between the upper and lower assessment thresholds</i>	
	<i>Pollutants apart from PM_{2,5}</i>	<i>PM_{2,5}</i>	<i>Pollutants apart from PM_{2,5}</i>	<i>PM_{2,5}</i>
0-249	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>
250-499	<i>2</i>	<i>1</i>	<i>1</i>	<i>1</i>
500-749	<i>2</i>	<i>1</i>	<i>1</i>	<i>1</i>
750-999	<i>3</i>	<i>1</i>	<i>1</i>	<i>1</i>
1 000-1 499	<i>4</i>	<i>2</i>	<i>2</i>	<i>1</i>
1 500-1 999	<i>5</i>	<i>2</i>	<i>2</i>	<i>1</i>

2 000-2 749	6	3	3	<i>1</i>
2 750-3 749	7	3	3	<i>1</i>
3 750-4 749	8	4	4	<i>2</i>
4 750-5 999	9	4	4	<i>2</i>
≥ 6 000	10	5	5	<i>2</i>

Or. de

Justification

The parallel measurement of PM₁₀ and PM_{2,5} will entail additional costs out of all reasonable proportion to the expected knowledge gain. Because of the close correlation between PM₁₀ and PM_{2,5} - PM₁₀ constantly comprises for 65 to 70% of PM_{2,5} - data can be collected on PM_{2,5} also by combining measurements and modelling techniques.

Amendment by Anja Weisgerber

Amendment 152
Annex XI, section on "Nitrogen dioxide"

Commission proposal

Nitrogen dioxide			
1 hour	200 µg/m ³ , not to be exceeded more than 18 times a calendar year	50% on 19 July 1999, decreasing on 1 January 2001 and every 12 months thereafter by equal annual percentages to reach 0% by 1 January 2010	1 January 2010
Calendar year	40 µg/m ³	50% on 19 July 1999, decreasing on 1 January 2001 and every 12 months thereafter by equal annual percentages to reach 0% by 1 January 2010	1 January 2010

Parliament amendments

Nitrogen dioxide			
1 hour	200 µg/m ³ , not to be exceeded more than 18 times a calendar year	50% on 19 July 1999, decreasing on 1 January 2001 and every 12 months thereafter by equal annual percentages to reach 0% by 1 January 2010	1 January 2013

Calendar year	40 µg/m ³	50% on 19 July 1999, decreasing on 1 January 2001 and every 12 months thereafter by equal annual percentages to reach 0% by 1 January 2010	1 January 2013
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Or. de

Justification

The nitrogen dioxide compliance deadline is not realistic.

Amendment by Guido Sacconi

Amendment 153
Annex XI, table, section on "PM₁₀"

Text proposed by the Commission

PM ₁₀			
1 day	50 µg/ m ³ , not to be exceeded more than 35 times a calendar year	50%	
Calendar year	40 µg/m ³	20%	

Amendments by Parliament

PM ₁₀			
1 day	50 µg/ m ³ , not to be exceeded more than 35 times a calendar year		
Calendar year	40 µg/m ³		
1 day	50 µg/ m³, not to be exceeded more than 7 times a calendar year	50%	1 January 2010
Calendar year	20 µg/m³	20%	1 January 2010

Or. it

Justification

To include a second phase for PM₁₀ limit values from 1 January 2010.

Amendment by Anja Weisgerber

Amendment 154
Annex XI, table, section on "PM₁₀"

Commission proposal

PM₁₀			
<i>1 day</i>	<i>50 µg/m³, not to be exceeded more than 35 times a calendar year</i>	<i>50 %</i>	
Calendar year	40 µg/m ³	20 %	

Parliament amendments

PM₁₀			
Calendar year	40 µg/m ³	20 %	
<i>Calendar year</i>	<i>38 µg/m³</i>	<i>20 %</i>	<i>1 January 2008</i>
<i>Calendar year</i>	<i>36 µg/m³</i>	<i>20 %</i>	<i>1 January 2010</i>
<i>Calendar year</i>	<i>34 µg/m³</i>	<i>20 %</i>	<i>1 January 2015</i>

Or. de

Justification

The main focus should be not on daily limit values, which trigger unwarranted panic and a bout of short-term action for action's sake, but, rather, on ambitious annual limit values permitting long-term measures with a sustainable improvement in air quality. There is no scientific justification for the figure of 35 exceedences - a figure which would lead to short-term measures such as smog alerts or traffic bans which reduce the risk of limit value exceedence only with considerable and disproportionate effort.

Amendment by Thomas Ulmer, Elisabeth Jeggle

Amendment 155
Annex XI, table, section on "PM₁₀"

Commission proposal

PM ₁₀			
1 day	50 µg/m ³ , not to be exceeded more than 35 times a calendar year	50 %	
Calendar year	40 µg/m ³	20 %	

Parliament amendment

PM ₁₀			
Calendar year	38 µg/m ³	20 %	

Or. de

Justification

The main focus should not be on daily limit values, which trigger unwarranted panic and a bout of short-term action for action's sake, but, rather, on ambitious annual limit values permitting long-term measures with a sustainable improvement in air quality. There is no scientific justification for the figure of 35 exceedences - a figure which would lead to short-term measures such as smog alerts or traffic bans which reduce the risk of limit value exceedence only with considerable and disproportionate effort.

Amendment by Ria Oomen-Ruijten, Jules Maaten

Amendment 156
Annex XI, table, section on "PM₁₀"

Text proposed by the Commission

Averaging Period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM ₁₀			
1 day	50 µg/m ³ , not to be exceeded more than 35	50 %	

	times a calendar year		
Calendar year	40 µg/m ³	20 %	

Amendment by Parliament

Averaging Period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
1 day	50 µg/m ³ , not to be exceeded more than 35 times a calendar year	50 %	2010
Calendar year	40 µg/m ³	20 %	2010

Or. nl

Amendment by Jonas Sjöstedt

Amendment 157
Annex XI, table, section on "PM₁₀"

Commission proposal

Averaging Period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
1 day	50 µg/m ³ , not to be exceeded more than 35 times a calendar year	50 %	
Calendar year	40 µg/m ³	20 %	

Parliament's amendments

Averaging Period)	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
1 day	50 µg/m ³ , not to be exceeded more than 35 times a calendar year	50 %	
Calendar year	40 µg/m ³	20 %	
<i>1 day</i>	<i>50 µg/m³, not to be exceeded more than 7 times a calendar year</i>	<i>50 %</i>	<i>1 January 2010</i>

Calendar year	$20 \mu\text{g}/\text{m}^3$	20 %	1 January 2010
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Or. sv

Justification

The present directive (1999/30/EC) lays down 'indicative' limit values for PM₁₀ to be introduced as of 1 January 2010 but these are not reproduced in the Commission's proposal for a new directive. These indicative limit values – which are in line with the WHO's recommended Air Quality Guidelines published this year – should be laid down as binding limit values in accordance with the original timetable.

Amendment by Satu Hassi

Amendment 158
Annex XI, table, section on "PM₁₀"

Text proposed by the Commission

Averaging Period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
1 day	50 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a calendar year	50 %	
Calendar year	40 $\mu\text{g}/\text{m}^3$	20 %	

Amendments by Parliament

Averaging Period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
1 day	50 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a calendar year	50 %	
Calendar year	40 $\mu\text{g}/\text{m}^3$	20 %	
<i>1 day</i>	<i>50 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 7 times a calendar year</i>	<i>50 %</i>	<i>1 January 2010</i>
<i>Calendar year</i>	<i>20 $\mu\text{g}/\text{m}^3$</i>	<i>20 %</i>	<i>1 January 2010</i>

Or. en

Justification

The second stage of PM₁₀ limit values foreseen in the first daughter directive 1999/30/EC need to be confirmed. The latest WHO air quality guidelines recommended to lower the annual limit value of PM₁₀ to 20 µg/m³. The APHEIS phase-3 report assessing the impact of exposure to PM₁₀ in 23 cities with nearly 39 million inhabitants concludes that 21,828 premature deaths due to the long-term impacts of PM₁₀ could be prevented annually, if annual PM₁₀ levels were reduced to 20 µg/m³ and that most of the APHEIS cities would benefit if PM₁₀ levels were reduced to this level.

Amendment by Thomas Ulmer, Elisabeth Jeggle

Amendment 159
Annex XI, table, section on "PM₁₀"

Commission proposal

Averaging period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
<i>1 day</i>	<i>50 µg/m³, not to be exceeded more than 35 times a calendar year</i>	<i>50 %</i>	
Calendar year	40 µg/m ³	20 %	

Parliament amendments

Averaging period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
Calendar year	40 µg/m ³	20 %	<i>by 31 December 2009</i>
	35 µg/m³	20 %	1 January 2010

Or. de

Justification

Since lower fine-particulate matter values are achievable only in the long term - and only if the European legislative authority also adopts provisions limiting emissions - an annual limit value is the only objective measure for fine-particulate matter exposure. The PM₁₀ daily

limit value should therefore not apply. For the PM₁₀ annual average, the Commission originally announced a reduction threshold which is no longer to be found in the current proposal. The annual average of 40 µg/m³ which the Commission proposes for PM₁₀, and which, it is suggested, should remain unchanged after 2010, is not particularly ambitious. In most towns, this value is already achieved now. It is therefore proposed that the PM₁₀ annual limit value be reduced to 35 µg/m³ as from 2010. Moreover, the annual average of 35 µg/m³ correlates well with the daily average of 50 µg/m³, thus continuing to ensure a high level of protection.

Amendment by Anders Wijkman

Amendment 160
Annex XI, table, section on "PM₁₀"

Text proposed by the Commission

Averaging period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
1 day	50 µg/m ³ , not to be exceeded more than 35 times a calendar year	50 %	
Calendar year	40 µg/m ³	20 %	

Amendment by Parliament

Averaging period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
1 day	50 µg/ m ³ , not to be exceeded more than 35 times a calendar year	50 %	
Calendar year	40 µg/m ³	20 %	
<i>1 day</i>	<i>50 µg/ m³, not to be exceeded more than 25 times a calendar year</i>	<i>50 %</i>	<i>1 January 2010</i>

Or. en

Justification

WHO has expressed as their opinion that the annual value should be maximum 20 micrograms for PM10 and that the number of times the daily value can be exceeded should not exceed 4 times. The Commission proposes 40 micrograms for the annual value and 35 times a calendar year. The amendment is an attempt to step by step approach the recommended levels of WHO.

Amendment by Dorette Corbey

Amendment 161
Annex XI, table, section on "PM₁₀"

Text proposed by the Commission

Averaging Period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
1 day	50 µg/m ³ , not to be exceeded more than 35 times a calendar year	50 %	
Calendar year	40 µg/m ³	20 %	

Amendment by Parliament

Averaging Period	Limit value	Margin of tolerance	Date by which limit value is to be met
PM₁₀			
1 day	50 µg/m ³ , not to be exceeded more than 35 times a calendar year	50 %	
Calendar year	40 µg/m ³	20 %	
Calendar year	30 µg/m³	20 %	1 January 2010

Or. nl

Justification

The discounting of particulates derived from natural sources effectively relaxes the PM₁₀ calendar year value; at the same time, the present value is not very ambitious. For these reasons a calendar year value of 30 µg/m³ is justified.

Amendment by Dorette Corbey

Amendment 162
Annex XII, table, section B a (new)

Ba. INFORMATION THRESHOLD FOR PM₁₀

<i>Purpose: Information</i>	<i>Averaging period</i>	<i>Threshold</i>
<i>Information</i>	<i>1 day</i>	<i>200 µg/m³</i>

Or. nl

Justification

As for exposure to ozone, there should also be an information threshold for particulates.

Amendment by Françoise Grossetête

Amendment 163
Annex XIV, title

**EXPOSURE REDUCTION TARGET
AND CONCENTRATION CAP FOR
PM_{2,5}**

**EXPOSURE REDUCTION TARGET
VALUE AND LIMIT VALUE FOR PM_{2,5}**

Or. fr

Justification

Uncertainties still exist over the concentrations of these pollutants in ambient air, so wishing to set a concentration cap immediately is premature. The term 'target value' seems more appropriate.

Amendment by Thomas Ulmer, Elisabeth Jeggle

Amendment 164
Annex XIV, Section A, Average exposure indicator

A. AVERAGE EXPOSURE INDICATOR *deleted*

The Average Exposure Indicator expressed

in $\mu\text{g}/\text{m}^3$ (AEI) shall be based upon measurements in urban background locations in zones and agglomerations throughout the territory of a Member State. It should be assessed as a 3-calendar year running annual mean concentration averaged over all sampling points established pursuant to Articles 6 and 7. The AEI for the reference year 2010 shall be the mean concentration of the years 2008, 2009 and 2010. Similarly, the AEI for the year 2020 shall be the 3-year running mean concentration averaged over all sampling points for the years 2018, 2019 and 2020.

Or. de

Justification

Setting a target for reduction of average exposure can be dispensed with because setting emission limit values for particulates matter, as the Commission has announced, will itself lead to a reduction in particulate emissions and hence to a reduction in average exposure. The proposed target for reduction in average exposure is therefore redundant and the costs involved in meeting that target - in terms of monitoring, evaluation and providing information for the public and the Commission - can be saved. In addition, the indicator is not clearly defined; rather, it is dependent on the precise location of measurement points for urban background sources and local developments (in particular construction developments) in areas surrounding the measuring stations over the next 10 to 20 years, with, possibly, a determining influence over mean $\text{PM}_{2,5}$ level but unrelated to a reduction in average exposure.

Amendment by Anja Weisgerber

Amendment 165

Annex XIV, Section A, Average exposure indicator

The Average Exposure Indicator expressed in $\mu\text{g}/\text{m}^3$ (AEI) shall be based upon measurements in urban background locations in zones and agglomerations throughout the territory of a Member State. It should be assessed as a 3-calendar year running annual mean concentration averaged over all sampling points established pursuant

The Average Exposure Indicator expressed in $\mu\text{g}/\text{m}^3$ (AEI) shall be based upon measurements in urban background locations in zones and agglomerations throughout the territory of a Member State. It should be assessed as a 3-calendar year running annual mean concentration averaged over all sampling points established pursuant

to Articles 6 and 7. The AEI for the reference year 2010 shall be the mean concentration of the years 2008, 2009 and 2010. Similarly, the AEI for the year 2020 shall be the 3-year running mean concentration averaged over all sampling points for the years 2018, 2019 and 2020.

to Articles 6 and 7. The AEI for the reference year 2010 shall be the mean concentration of the years 2008, 2009 and 2010, ***minus the average atmospheric background concentration of 7 µg/m³ which cannot be reduced by Community measures.*** Similarly, the AEI for the year 2020 shall be the 3-year running mean concentration averaged over all sampling points for the years 2018, 2019 and 2020, ***minus the same background concentration of 7 µg/m³.***

Or. de

Justification

The value of 7 µg/m³, below which no reduction is necessary, reflects hemispheric background pollution, which is uniform across Europe. The Commission proposal does not reflect the fact, however, that a state with a starting point of, for instance, 8 µg/m³ would have to reduce by just under 2 µg/m³ to achieve a 20% reduction and, at just under 6 µg/m³, would undershoot the 7 µg/m³ mark. This reduction is more difficult to achieve than a 20% reduction from a starting point of 20 µg/m³ (cf. amendment to Annex XIV(B)).

Amendment by Thomas Ulmer, Elisabeth Jeggle

Amendment 166
Annex XIV, Section B, Exposure reduction target

Commission proposal

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target should be met
20 percent	2020

Where the average exposure indicator expressed in µg/m³ in the reference year is 7 µg/m³ or less the exposure reduction target shall be zero

Parliament amendment

deleted

Or. de

Justification

Setting a target for reduction of average exposure can be dispensed with because setting emission limit values for particulates matter, as the Commission has announced, will itself lead to a reduction in particulate emissions and hence to a reduction in average exposure. The proposed target for reduction in average exposure is therefore redundant and the costs involved in meeting that target - in terms of monitoring, evaluation and providing information for the public and the Commission - can be saved. In addition, the indicator is not clearly defined; rather, it is dependent on the precise location of measurement points for urban background sources and local developments (in particular construction developments) in the areas surrounding the measuring stations over the next 10 to 20 years, with, possibly, a determining influence over mean PM_{2,5} level but unrelated to a reduction in average exposure.

Amendment by Satu Hassi

Amendment 167

Annex XIV, Section B, Exposure reduction target

Text proposed by the Commission

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target <i>should</i> be met
<i>20 percent</i>	2020

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero.

Amendment by Parliament

Exposure Reduction Target relative to the AEI in 2010		Date by which the exposure reduction target <i>shall</i> be met
<i>Initial concentration in $\mu\text{g}/\text{m}^3$</i>	<i>Reduction target in percent</i>	2020
<i>Less than 10</i>	<i>15</i>	
<i>Between 10 and 15</i>	<i>20</i>	
<i>Between 15 and 20</i>	<i>25</i>	
<i>Over 20</i>	<i>30</i>	

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero.

Or. en

Justification

In its proposal, the Commission has opted for an across-the-board reduction target of 20%.

A differentiated model would take into account differences in exposure levels between Member States and require higher reductions in more polluted areas. The exposure reduction target needs to be binding in order to be meaningful.

Amendment by Dorette Corbey

Amendment 168
Annex XIV, Section B, Exposure reduction target

Text proposed by the Commission

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target should be met
20 %	2020

Amendment by Parliament

Exposure Reduction Target relative to the AEI in 2010		Date by which the exposure reduction target should be met
<i>Initial concentration in $\mu\text{g}/\text{m}^3$</i>	<i>Exposure reduction target</i>	2020
< 10	0%	
= 10 - < 15	10%	
= 15 - < 20	15%	
= 20 - < 25	20%	
> 25	All possible measures to attain the objective of 20 $\mu\text{g}/\text{m}^3$	

Or. nl

Justification

The target value must be flexible in order to impose lighter burdens on Member States which have already done much to reduce concentrations of PM_{2.5} than on Member States which still have much to do. The proposed table is a simplified variant of the table proposed by the rapporteur.

Amendment by Richard Seeber

Amendment 169
Annex XIV, Section B, Exposure reduction target

Commission proposal

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target should be met
<i>20 percent</i>	2020

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero

Parliament amendment

Target AEI relative to the AEI in 2010 in $\mu\text{g}/\text{m}^3$	Date by which the target AEI should be met
$(AEI - 7) \times 0.7 + 7$	2020

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero

Or. de

Justification

In its proposal, the Commission has opted for an across-the-board 20% reduction target without taking into consideration that

- 1. in the case of high concentration levels, emission reduction measures are available at relatively low cost and*
- 2. the considerable impact on health of $\text{PM}_{2,5}$ justify greater efforts in zones with high concentrations.*

Allowing for a background concentration level of $7 \mu\text{g}/\text{m}^3$ which cannot be influenced, a 30% reduction in the AEI is proposed, albeit applicable only to concentrations above $7 \mu\text{g}/\text{m}^3$. To make the calculation, then, the $7 \mu\text{g}/\text{m}^3$ is first subtracted and, after calculating the 30% reduction, added on again. The result is realistic and reasonable.

Comparison with the Commission proposal:

<i>AEI in $\mu\text{g}/\text{m}^3$</i>	<i>% reduction, COM proposal</i>	<i>% reduction, EP proposal</i>	<i>Target AEI in $\mu\text{g}/\text{m}^3$, COM proposal</i>	<i>Target AEI in $\mu\text{g}/\text{m}^3$, EP proposal</i>
7	0	7	0	7
10	20	8	9	9.1
15	20	12	16	12.6
20	20	16	19.5	16.1
25	20	20	21.6	19.6
30	20	24	23	23.1
35	20	28	24	26.6

Amendment by Gyula Hegyi

Amendment 170

Annex XIV, Section B, Exposure reduction target

Text proposed by the Commission

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target <i>should</i> be met
<i>20 percent</i>	2020

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero

Amendment by Parliament

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target <i>shall</i> be met
<i>25 percent</i>	2020

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero

Or. en

Justification

According to the latest researches, every microgram reduction of PM2.5 brings health benefits. This amendment will reduce the level of PM2.5 to $15 \mu\text{g}$ in 2020 which corresponds the current limit values in the US. The percentage and the deadline of reduction should be legally binding.

Amendment by Jonas Sjöstedt

Amendment 171

Annex XIV, Section B, Exposure reduction target

Commission proposal

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target <i>should</i> be met

<i>20 %t</i>	2020
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Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero.

Parliament's amendments

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target <i>shall</i> be met
<i>25 %t</i>	2020

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero.

Or. sv

Justification

The exposure reduction target is an important complement to the concentration cap for PM_{2.5}. However, in order actually to achieve the desired reduction in population exposure, the target value should be changed from a non-binding one to a legally binding requirement. In order to make a contribution towards more appreciable improvements on the achievements which, in any case, could be expected with existing legislation, the level of ambition should be raised from the proposed 20% to at least a 25% reduction between 2010 and 2020.

Amendment by Chris Davies, Vittorio Prodi

Amendment 172

Annex XIV, Section B, Exposure reduction target

Text proposed by the Commission

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target <i>should</i> be met
20 percent	2020

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero

Amendments by Parliament

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target <i>shall</i> be met
20 percent	2020

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero

Justification

Self- explanatory. Note that Article 15 of the Commission proposal employs the word "shall" in requiring member states to meet the exposure reduction target laid down in this annex.

Amendment by Anja Weisgerber

Amendment 173
Annex XIV, Section B, Exposure reduction target

Commission proposal

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target should be met
20 percent	2020

Where the average exposure indicator expressed in $\mu\text{g}/\text{m}^3$ in the reference year is $7 \mu\text{g}/\text{m}^3$ or less the exposure reduction target shall be zero

Parliament amendment

Exposure Reduction Target relative to the AEI in 2010	Date by which the exposure reduction target should be met
25 percent	2020

Justification

A straightforward and fair way of taking account of Member States' differing starting points and, hence, differing potential for reduction is firstly to subtract hemispheric background pollution and then to calculate the 20% reduction target in a more ambitious fashion. By comparison with the Commission proposal, this would be more onerous for Member States with a higher starting level, and hence also a greater potential for reduction, while easing the burden on Member States with a relatively low $\text{PM}_{2,5}$ level (cf. amendment to Article 2(19)).

Amendment by Marie-Noëlle Lienemann

Amendment 174
Annex XIV, Section B a (new)

- the limit value for $\text{PM}_{2,5}$ is fixed at

15 µg/m³ as an annual average;
- the quality objective for PM_{2.5} is fixed at
10 µg/m³ as an annual average.

Or. fr

Justification

The introduction of a limit value for PM_{2.5} of 15 µg/m³ as an annual average reflects the scientific information available on the effects on health of fine particulates and has been the limit value applied in the United States since 2000. The EPA recently proposed lowering this value to 14 µg/m³. In 2005, the WHO's European Office proposed a quality objective of 10 µg/m³.

Amendment by Françoise Grossetête

Amendment 175
Annex XIV, Section B a (new)

BA. EXPOSURE REDUCTION OBLIGATION

<i>Exposure reduction obligation relative to the AEI in 2010</i>	<i>Date by which exposure reduction target is to be met</i>
10 %	2020

Where the average exposure indicator expressed in µg/m³ in the reference year is 7 µg/m³ or less, the exposure reduction target shall be zero.

Or. fr

Justification

Aims at adopting a new approach combining both exposure reduction and the introduction of target values. The proposal for a directive states that when the directive is reviewed, five years after its adoption, the Commission will propose an exposure reduction obligation. It would seem that the value which, on review of the directive, will serve as a basis for establishing that binding provision, should immediately be included in the directive so that Member States can plan for the measures that need to be taken to fulfil this obligation.

Amendment by Marie-Noëlle Lienemann

Amendment 176
Annex XIV, Section C, Concentration Cap

deleted

Or. fr

Justification

The limit value proposed in Section B of Annex XIV replaces the concentration cap originally provided for in the proposal for a directive.

Amendment by Jonas Sjöstedt

Amendment 177
Annex XIV, Section C, Concentration Cap

Commission proposal

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	25 µg/m³	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Parliament's amendments

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	10 µg/m³	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Or. sv

Justification

The Commission's proposed concentration cap of 25 µg/m³ is totally inadequate to protect human

health, which has been clearly pointed out by health experts in the EU and by the World Health Organisation (WHO). The WHO has stressed in several reports that particulates (both PM10 and PM2.5) cause damage to health even when exposure is to very low levels, and researchers have not managed to identify any 'threshold value' (a level below which no damage is thought to occur) for PM. A level of 10 µg/m³ is in line with WHO recommendations (Air Quality Guidelines) published earlier this year. It has been shown that the WHO's recommended levels are achievable in cities in highly developed countries and, according to the WHO, achieving these levels will appreciably reduce the risks of harmful effects on human health.

Amendment by Riitta Myller, Åsa Westlund, Dan Jørgensen

Amendment 178
Annex XIV, Section C, Concentration Cap

Text proposed by the Commission:

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	25 µg/m ³	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Amendment by Parliament:

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	12 µg/m ³	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Or. en

Justification

Concentration cap at 12 µg/m³ is within the range of values proposed by scientists who have been involved in investigating the health effects of PM. This value is 2 units above WHO Air Quality Guidelines' recommendations.

Amendment by Satu Hassi

Amendment 179
Annex XIV, Section C, Concentration Cap

Text proposed by the Commission

Averaging period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	25 µg/m ³	20 % on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Amendments by Parliament

Averaging period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	12 µg/m ³	20 % on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010. <i>Member States may exceed the threshold by 50% for a further five years provided they attain the exposure reduction targets in Section B of this Annex.</i>	1 January 2010

Or. en

Justification

The proposed concentration cap is too weak to protect human health according to leading EU air pollution scientists. According to WHO advice epidemiological studies on large populations have been unable to identify a threshold concentration below which ambient PM has no effect on health. 12 µg is at the low end of the range proposed by the CAFE Expert Working Group on PM and is the level of the limit value adopted by the state of California in 2003. If differentiated exposure reduction targets are met, Member States should be given some flexibility in attaining the limit value/ concentration cap.

Amendment by Guido Sacconi

Amendment 180
Annex XIV, Section C, Concentration Cap

Text proposed by the Commission

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	<i>25 µg/m³</i>	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010.	1 January 2010

Amendments by Parliament

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	<i>12 µg/m³</i>	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010.	1 January 2010

Or. it

Justification

The proposed concentration cap will not provide adequate protection for human health. 12 µg/m³ is the level proposed by the experts in the CAFE PM working group and is the level adopted by the State of California in 2003.

Amendment by Gyula Hegyi

Amendment 181
Annex XIV, Section C, Concentration Cap

Text proposed by the Commission

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	$25 \mu\text{g}/\text{m}^3$	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Amendment by Parliament

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	$20 \mu\text{g}/\text{m}^3$	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Or. en

Justification

The proposed concentration cap of $25 \mu\text{g}/\text{m}^3$ is much too weak to protect human health, as has been pointed out by leading air pollution scientists in the EU. The World Health Organization (WHO) latest air quality guidelines published this year, recommended $10 \mu\text{g}/\text{m}^3$ as a standard. The current limit value in the US is $15 \mu\text{g}/\text{m}^3$, the proposed $20 \mu\text{g}/\text{m}^3$ should be feasible in short term in the European Union.

Amendment by Dorette Corbey

Amendment 182
Annex XIV, Section C, Concentration Cap

Text proposed by the Commission

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	$25 \mu\text{g}/\text{m}^3$	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Amendment by Parliament

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	20 $\mu\text{g}/\text{m}^3$	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Or. nl

Justification

An ambitious concentration cap for PM_{2.5} is needed in order to induce Member States to tackle PM_{2.5} pollution. The health risks associated with PM_{2.5} are serious and must be greatly reduced. The proposed 25 $\mu\text{g}/\text{m}^3$ is not enough to afford adequate protection for human health. The WHO states that, from the point of view of health, 10 $\mu\text{g}/\text{m}^3$ is desirable, but a value of 20 $\mu\text{g}/\text{m}^3$ would be a good start for Europe in the short term.

Amendment by Anja Weisgerber

Amendment 183
Annex XIV, Section C, Concentration cap

Commission proposal

Averaging Period	Concentration cap	Margin of tolerance ⁽¹⁾	Date by which concentration cap is to be met
Calendar year	25 $\mu\text{g}/\text{m}^3$	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

⁽¹⁾ The maximum margin of tolerance applies also in accordance with Article 15(4)

Parliament amendments

Averaging Period	Concentration target value	Margin of tolerance ⁽¹⁾	Date by which the concentration target value should be met
Calendar year	20 $\mu\text{g}/\text{m}^3$	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

(1) The maximum margin of tolerance applies also in accordance with Article 15(4)

Or. de

Justification

PM_{2,5} data currently available are not yet adequate for setting a new binding limit value. The same mistake should not be made as was made with PM₁₀, when binding limit values were introduced without adequate data.

Amendment by Ria Oomen-Ruijten, Jules Maaten

Amendment 184
Annex XIV, Section C, Concentration Cap

Text proposed by the Commission

Averaging Period	Concentration cap	Margin of tolerance	Date by which concentration cap is to be met
Calendar year	25 µg/m ³	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Amendment by Parliament

Averaging Period	Target value	Margin of tolerance	Date by which target value is to be met
Calendar year	25 µg/m ³	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

Or. nl

Amendment by Françoise Grossetête

Amendment 185
Annex XIV, Section C, Concentration Cap

Text proposed by the Commission

CONCENTRATION CAP

Averaging Period	<i>Concentration cap</i>	<i>Margin of tolerance</i> ⁽¹⁾	Date by which <i>concentration cap is to be met</i>
Calendar year	25 µg/m ³	<i>20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010</i>	1 January 2010

⁽¹⁾ *The maximum margin of tolerance applies also in accordance with Article 15(4)*

Amendment by Parliament

C. TARGET VALUE

Averaging period	<i>Target value</i>	Date by which <i>target value should be met</i>
calendar year	<i>20 µg/m³</i>	<i>1 January 2010</i>

Or. fr

Justification

Aims at adopting a new approach combining both exposure reduction and the introduction of target values. Uncertainties still exist over the concentrations of these pollutants in ambient air, so wishing to set a concentration cap immediately is premature. The term 'target value' seems more appropriate.

Amendment by Thomas Ulmer, Elisabeth Jeggle

Amendment 186
Annex XIV, Section C, Concentration cap

Commission proposal

Averaging Period	Concentration cap	Margin of tolerance ⁽¹⁾	Date by which concentration cap is to be met
Calendar year	25 µg/m ³	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

⁽¹⁾ The maximum margin of tolerance applies also in accordance with Article 15(4)

Parliament amendments

Averaging Period	Target value	Margin of tolerance ⁽¹⁾	Date by which target value is to be met
Calendar year	25 µg/m ³	20% on the entry into force of this Directive, decreasing on the next 1 January following and every 12 months thereafter by equal annual percentages to reach 0 % by 1 January 2010	1 January 2010

⁽¹⁾ The maximum margin of tolerance applies also in accordance with Article 15(4)

Or. de

Justification

Because of a lack of experience of measuring PM_{2,5} and uncertainty concerning data both on exposure and on time trends, no binding limit value should be set. The term 'concentration cap' has therefore been replaced by an indicative 'target value'.

Amendment by Françoise Grossetête

Amendment 187
Annex XIV, Section C a (new)

Ca. LIMIT VALUE

<i>Averaging period</i>	<i>Limit value</i>	<i>Date by which limit value is to be attained</i>
<i>calendar year</i>	<i>25 µg/m³</i>	<i>1 January 2015</i>

Or. fr

Justification

Uncertainties still exist over the concentrations of these pollutants in ambient air, so wishing to set a concentration cap immediately is premature. It also seems prudent to allow Member States more time to bring themselves into line with a binding value (25µg/m³), with the deadline for this being extended to 2015.

A binding value of 25µg/m³ is nevertheless a high one. It is therefore proposed that a target value of 20µg/m³ be introduced that is applicable as from 2010, in order to encourage Member States to reduce their pollutant emissions, even if they also respect the 25 µg/m³ limit value, so as to improve air quality right across their territory. This provision is similar to the one applicable to ozone, and would seem to be justified in view of the cross-border nature of fine particulate pollution (long range transmission of pollutants and importance of secondary particulates).

Amendment by Jonas Sjöstedt

Amendment 188
Annex XV, title

**B. INFORMATION TO BE PROVIDED
UNDER ARTICLE 20(1)(b)
(AIR POLLUTION ABATEMENT
PROGRAMME)**

**B. ADDITIONAL INFORMATION TO
BE PROVIDED UNDER ARTICLE 21
(PLANS OR PROGRAMMES)**

Or. sv

Justification

This amendment follows from the amendment to Article 20. As it is proposed to delete Article 20, the information referred to in Annex XV B should instead refer to Article 21.

Amendment by Guido Sacconi

Amendment 189
Annex XV, Section A, point 8 (c) and (c a) (new)

(c) estimate of the improvement of air quality planned and of the expected time required to attain these objectives.

(c) figures for the planned annual percentage improvement in air quality and the reduction in pollutants to be achieved annually;

(ca) detailed financial plan for investments to be made in implementing measures required in order to achieve the planned

improvement in air quality.

Or. it

Justification

If annual objectives are set, efforts and resources can be properly planned over a suitable period of time and the effectiveness of the plan can be checked during implementation. A financial plan is required in order to distribute resources in a targeted manner, thus ensuring that the use to which each investment is put can be identified.

Amendment by Chris Davies

Amendment 190
Annex XV, Section A, point 8 (c a) (new)

(ca) listing and description of the financial resources and budget lines allocated to the implementation of the above measures or projects in the estimated time.

Or. en

Justification

Member states have a track record of making commitments but failing to allocate the resources necessary to meet them.

Amendment by Gyula Hegyi

Amendment 191
Annex XV, Section B, point 3, introductory part

3. Information on all air pollution abatement measures that have been ***considered*** for implementation in connection with the attainment of air quality objectives, including:

3. Information on all air pollution abatement measures that have been ***planned*** for implementation in connection with the attainment of air quality objectives, including:

Or. en

Justification

It is necessary to demonstrate more concrete actions; consideration of measures is not sufficient.

Amendment by Dorette Corbey

Amendment 192

Annex XV, Section B, point 3, introductory part

3. Information on all air pollution abatement measures ***that have been considered for*** implementation in connection with the attainment of air quality objectives, including:

3. Information on all air pollution abatement measures ***whose*** implementation ***is planned*** in connection with the attainment of air quality objectives, including:

Or. en

Justification

The measures listed should not only be considered: their implementation should also be planned.

Amendment by Gyula Hegyi

Amendment 193

Annex XV, Section B, point 3 (d)

(d) measures to limit transport emissions through traffic planning and management ***(including congestion pricing, differentiated parking fees or other economic incentives; establishing “low emission zones”)***;

(d) measures to limit transport emissions through traffic planning and management, ***including the following measures:***

- congestion pricing or establishing “low emission zones”;

- differentiated parking fees or other economic incentives;

- promoting public transport and non-motorised transport modes (such as cycling

and walking);

Or. en

Justification

According to the official data from the cities of Munich and Budapest, transportation is the major cause for air pollution in urban areas. Therefore measures should be taken and priority should be given to proven successful practices.

Amendment by Dorette Corbey

Amendment 194
Annex XVI, point 3

3. Information on ambient concentrations of sulphur dioxide, nitrogen dioxide, particulate matter, ozone and carbon monoxide shall be updated on at least a daily basis, and, wherever practicable, information shall be updated on an hourly basis. Information on ambient concentrations of lead and benzene, presented as an average value for the last 12 months, shall be updated on a three-monthly basis, and on a monthly basis, wherever practicable.

3. Information on ambient concentrations of sulphur dioxide, nitrogen dioxide, particulate matter, ozone, ***PM₁₀*** and carbon monoxide shall be updated on at least a daily basis, and, wherever practicable, information shall be updated on an hourly basis. Information on ambient concentrations of lead and benzene, presented as an average value for the last 12 months, shall be updated on a three-monthly basis, and on a monthly basis, wherever practicable.

Or. nl

Justification

As for exposure to ozone, there should also be an information threshold for particulates.

Amendment by Dorette Corbey

Amendment 195
Annex XVII a (new)

Measures which should be taken at source to enable Member States to attain air quality limit values within the set time limits

<i>Measures</i>

<i>Inclusion of 20 to 50 megawatt combustion plants in the IPPC Directive</i>
<i>EURO VI for heavy vehicles</i>
<i>New standards for domestic heating installations</i>
<i>New standards for emissions from ships' engines, to be negotiated under the auspices of the IMO</i>

Or. nl

Justification

The adoption of these measures at source is a necessary precondition for Member States to attain the air quality limit values.