

# EUROPEAN PARLIAMENT

2004



2009

*Committee on Petitions*

7.03.2008

## NOTICE TO MEMBERS

**Subject:** **Petition 0553/2007 by Krystyna Kowalska (Polish), on the Polish authorities' violation of Council Directive 96/62/EC on ambient air quality assessment and management and Council Directive 99/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air**

### 1. Summary of petition

The petitioner maintains that many people in Warsaw are exposed to concentrations of air pollution in excess of the permitted limit values, and in particular to particulates smaller than 10  $\mu$  m ('PM 10s'). She therefore considers that the competent Polish authorities, i.e. the Warsaw municipal authorities and the Mazowiecki regional authorities, are thus guilty of serious violations of Council Directive 96/62/EC on ambient air quality assessment and management and Council Directive 99/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air, and calls on the European Parliament to intervene.

### 2. Admissibility

Declared admissible on 12 October 2007. Information requested from Commission under Rule 192(4).

### 3. Commission reply, received on 7 March 2007.

#### I. The petition

The petitioner maintains that concentrations of air pollution, in particular particulate matter PM<sub>10</sub>, in the Warsaw agglomeration are in excess of the permitted limit values. The petitioner, therefore, considers that the competent Polish authorities, i.e. the Warsaw municipal authorities

and the Mazowiecki regional authorities, are guilty of serious violations of Council Directive 96/62/EC on ambient air quality assessment and management<sup>1</sup> and Council Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air<sup>2</sup> and calls on the European Parliament to intervene.

## II. The Commission's comments on the petition

The general provisions for air quality assessment and management are laid down in the Framework Directive, 96/62/EC, while specific provisions on certain pollutants including PM<sub>10</sub> are laid down in the first Daughter Directive, 1999/30/EC. According to the latter directive, the limit values for PM<sub>10</sub> became mandatory on 1 January 2005.

The Commission has received official assessment data from Poland and the exceedance of PM<sub>10</sub> in the Warsaw agglomeration has already been acknowledged. There are no major changes in the number of exceedances and average levels for 2005 and 2006. The Polish authorities have prepared an air quality abatement plan and have communicated that plan to the Commission. It is up to the competent authorities in the Member State to decide on the measures to be included in the plan. In accordance with Article 8 and Article 11 of Directive 96/62/EC, the Commission is informed of the implementation of the plans and programmes, and it regularly examines the progress made. However, the Commission does not have the power to request that specific pollution abatement measures are taken within the framework of those plans.

As regards non-compliance with PM<sub>10</sub> limit values, the Commission requested the Member States concerned in October last year to provide further and more detailed information as to which measures Member States are taking in order to achieve those limit values.

The technical assessment of the replies to those letters is now taking place, including the reply from Poland which was received 17 January this year. On the basis of that analysis, the Commission will decide on the further action needed. In that decision account will also be taken of the new Directive on ambient air quality and cleaner air for Europe which was voted by Parliament in December 2007.

## III. Conclusions

It is up to the competent authorities of the Member States to decide which measures to apply to abate air pollution, when necessary. The Commission regularly checks implementation of the plans or programmes by examining the progress made and the trends in air pollution.

As regards the limit values laid down by Directive 1999/30/EC, the Commission notes that in the Warsaw agglomeration, the limit values for PM<sub>10</sub> were exceeded in 2005 and 2006. The Commission is currently assessing the information provided by Poland in respect of the PM<sub>10</sub> exceedances. On the basis of that assessment and the provisions of the new air quality Directive, the Commission will decide on the appropriate action.

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<sup>1</sup> OJ L 296, 21.11.1996, p. 55

<sup>2</sup> OJ L 163, 29.6.1999, p. 41