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Committee on the Environment, Public Health and Food Safety

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*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe
(COM(2005)0447 – C6-0356/2005 – 2005/0183(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Holger Krahmer

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe
(COM(2005)0447 – C6-0356/2005 – 2005/0183(COD))**

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0447)¹,
 - having regard to Article 251(2) and Article 175 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0356/2005),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0000/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
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. 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 **and salting** of roads should be ignored.

Justification

See justification for the rapporteur's amendment to Article 13(3).

¹ Not yet published in OJ.

Amendment 2
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***.

Justification

See justification for the rapporteur's amendments to Article 2, point 6 and Article 7(2).

Amendment 3
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***

Justification

The term 'concentration cap' corresponds de facto to a limit value. The Commission introduces this term for the purpose of laying down the new PM_{2.5} standard. The rapporteur proposes regulating PM_{2.5} in two stages: first a target value should be determined and later a limit value can be set when the directive is reviewed. No limit value should be set at present, because insufficient experience has been gained with measuring PM_{2.5} and the data are uncertain. The term 'concentration cap' should be replaced with 'target value' throughout the text.

Amendment 4
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).

Justification

Article 19 of the directive deals with the treatment of 'emissions from natural sources'. It is therefore appropriate to define this term.

Amendment 5
Article 6, paragraph 2

2. In all zones and agglomerations where the level of pollutants in ambient air referred to in paragraph 1 exceeds the upper assessment threshold established for those pollutants, fixed measurements shall be used to assess the ambient air quality. Those fixed measurements **may** be supplemented by modelling techniques and/or indicative measurements to provide adequate information on ambient air quality.

2. In all zones and agglomerations where the level of pollutants in ambient air referred to in paragraph 1 exceeds the upper assessment threshold established for those pollutants, fixed measurements shall be used to assess the ambient air quality. Those fixed measurements **shall** be supplemented by modelling techniques and/or indicative measurements to provide adequate information on ambient air quality.

Justification

The modelling techniques and/or indicative measurements should be compulsory, in addition to the fixed measurements. Modelling techniques have a proven track record and make an important contribution to the compilation of reliable sets of data on air quality. This is particularly true of data on PM_{2.5}.

Amendment 6
Article 6, paragraph 3

3. In all zones and agglomerations where the level of pollutants in ambient air referred to in paragraph 1 is below the upper assessment threshold established for those pollutants, a combination of fixed measurements and modelling techniques and/or indicative measurements **may** be used to assess the ambient air quality.

3. In all zones and agglomerations where the level of pollutants in ambient air referred to in paragraph 1 is below the upper assessment threshold established for those pollutants, a combination of fixed measurements and modelling techniques and/or indicative measurements **shall** be used to assess the ambient air quality.

Justification

The modelling techniques and/or indicative measurements should be compulsory, in addition to the fixed measurements. Modelling techniques have a proven track record and make an important contribution to the compilation of reliable sets of data on air quality. This is particularly true of data on PM_{2.5}.

Amendment 7
Article 7, paragraph 2, subparagraph (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, **target values** or alert thresholds, as well as adequate information for the public;

(This amendment applies throughout the legislative text; if the amendment is adopted, technical modifications will be required throughout the text.)

Justification

The rapporteur proposes regulating PM_{2.5} in two stages: first a target value should be determined and later a limit value can be set when the directive is reviewed. No limit value should be set at present, because insufficient experience has been gained with measuring PM_{2.5} and the data are uncertain. The term 'concentration cap' should be replaced with 'target value' throughout the text.

Amendment 8
Article 7, paragraph 2, subparagraph 3

In the case referred to in the second subparagraph, the results of modelling

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**.

and/or indicative measurement shall be taken into account for the assessment of air quality with respect to the limit values or **target values**.

(This amendment applies throughout the legislative text; if the amendment is adopted, technical modifications will be required throughout the text.)

Justification

The rapporteur proposes regulating PM_{2.5} in two stages: first a target value should be determined and later a limit value can be set when the directive is reviewed. No limit value should be set at present, because insufficient experience has been gained with measuring PM_{2.5} and the data are uncertain. The term 'concentration cap' should be replaced with 'target value' throughout the text.

Amendment 9

Article 13, paragraph 3, subparagraph 1

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

3. Member States **shall determine the** zones or agglomerations within which limit values for PM₁₀ are **substantially** exceeded owing to concentrations of PM₁₀ ambient air due to the resuspension of particulates following road-sanding **and salting** in winter-time.

Justification

The amendment is intended to simplify the procedure. Formal designation of zones is not necessary. It is sufficient to provide the Commission with a list of the zones which the Member States are required to determine. It is important to ensure that only concentrations which are substantially due to road-sanding and salting are deducted, as prior concentrations are already taken into account in the limit value. Salt should likewise be mentioned, as its use is essential in many regions during the winter.

Amendment 10

Article 13, paragraph 3, subparagraph 4

Without prejudice to Article 19, in the case of the zones or agglomerations referred to in the first subparagraph of this paragraph, Member States need establish the plans or programmes provided for in Article 21 only in so far as exceedances are

Without prejudice to Article 19, in the case of the zones or agglomerations referred to in the first subparagraph of this paragraph, Member States need establish the plans or programmes provided for in Article 21 only in so far as exceedances are

attributable to PM₁₀ sources other than road-sanding in wintertime.

attributable to PM₁₀ sources other than road-sanding **and salting** in wintertime.

Justification

Salt should likewise be mentioned, as its use is essential in many regions during the winter.

Amendment 11

Article 19, paragraph 1, subparagraph 1

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.

1. Member States **shall determine the** zones or agglomerations where the exceedance of limit values or **target values** for a given pollutant is attributable to natural sources **and where the level arising from natural sources substantially exceeds the normal background level.**

Justification

The amendment is intended to simplify the procedure for deducting concentrations from natural sources. Formal designation of zones is not necessary. However, Member States must determine the zones and provide the Commission with a list of them. It is important to ensure that only prior concentrations from natural sources are deducted which substantially exceed the mean background concentration already taken into account in the limit or target values.

Amendment 12

Article 19, paragraph 2 a (new)

2a. 12 months after the entry into force of this directive, the Commission shall publish guidelines for the consideration of evidence and the deduction of exceedances which arise from natural sources.

Justification

In order to prevent abuses and procedural difficulties, guidelines for the consideration of evidence and the deduction of exceedances which arise from natural sources are required.

Amendment 13
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.

Justification

The main purpose of the proposed condensation of paragraphs 1(a) and (b) is systematic and linguistic simplification.

Amendment 14
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

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.

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 **five years after the entry into force of this directive** at the latest, provided that the conditions laid down in paragraph **1** are fulfilled.

Justification

The proposed 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 aligned with the time limit proposed in Article 20(1).

Amendment 15

Article 20, paragraph 4, subparagraph 1

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.

Does not affect English version.

Justification

Die Änderung in Unterabsatz 1 ist eine Necessitated änderung zu der Änderung in Artikel 20 Absatz 1.

Amendment 16

Article 20, paragraph 4, subparagraph 2

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.

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

Justification

The time limit for the assessment by the Commission should be reduced from nine months to three because the local and regional authorities concerned need legal certainty without delay.

Amendment 17

Article 21, paragraph 1, subparagraph 1

1. Where, in given zones or agglomerations, the levels of pollutants in ambient air exceed any limit value or target value **or concentration cap**, plus any relevant margin of tolerance in each case, Member States shall ensure that plans or programmes are established for those zones and agglomerations in order to achieve the related limit or target value **or concentration cap** specified in Annexes XI and XIV.

1. Where, in given zones or agglomerations, the levels of pollutants in ambient air exceed any limit value or target value, plus any relevant margin of tolerance in each case, Member States shall ensure that plans or programmes are established for those zones and agglomerations in order to achieve the related limit or target value specified in Annexes XI and XIV.

Justification

The amendment to subparagraph 1 is necessitated by the amendment to Article 7(2).

Amendment 18

Article 21, paragraph 1, subparagraph 2

Those plans or programmes shall incorporate at least the information listed in **Section A of Annex XV and be communicated to the Commission without delay.**

Those plans or programmes shall incorporate at least the information listed in Annex XV. **They may include measures pursuant to Article 22.**

Justification

In the interests of simplification, the plans and programmes to bring about general reductions in levels of pollutants may, on a preventive basis, include measures pursuant to Article 22 to reduce peak concentrations in the short term.

Information about clean air plans and programmes is already communicated in electronic form. The expression 'without delay' is deleted because not every plan is communicated to the Commission immediately after it has been drafted. It makes more sense to gather the plans at national level initially and forward the information for each year to the Commission in a coordinated fashion. This also accords with the practice adopted hitherto. The Commission may lay down further details of the communication procedure pursuant to Article 26(2).

Amendment 19

2a. The plans and programmes referred to in subparagraph 1 shall be drawn up with the proviso that, in the case of industrial installations within the scope of Directive 96/61/EC which apply the best available techniques as referred to in Article 2, point 11, of that directive, they shall not involve requirements which go beyond the application of the best available techniques. The plans and programmes shall be communicated to the Commission in an appropriate electronic form en bloc by a date to be determined pursuant to Article 26(2).

Justification

The provisions of the new subparagraph 2a correspond to the text of Article 3(3) and Recital 5 of the 4th daughter directive to the Air Quality Framework Directive (Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air). Undertakings which incur substantial expenditure in applying BAT should not have additional burdens inflicted on them. There is nothing to prevent local and regional authorities from securing additional improvements in air quality by means of voluntary measures.

Amendment 20
Article 22, paragraph 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.

However, ***where there is a risk that the alert threshold for ozone specified in Section B of Annex XII will be exceeded***, Member States shall only draw up such short-term action plans when in their opinion there is a significant potential, taking into account national geographical,

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, target values or alert thresholds specified in Annexes VII, XI, Annex XII, and Annex XIV, Member States shall, where ***this seems*** 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.

However, Member States shall only draw up such short-term action plans when in their opinion there is a significant potential, taking into account national geographical, meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance. When drawing up

meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance. When drawing up such a short-term action plan Member States shall take account of Decision 2004/279/EC.

such a short-term action plan Member States shall take account of Decision 2004/279/EC.

Justification

It is not clear why the exceptions referred to in subparagraph 2 should apply only to ozone. The proviso that short-term action plans must be drawn up only if the measures for which they provide can make a significant contribution to the improvement of air quality under the given conditions and in the light of the principle of proportionality goes without saying.

Amendment 21 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 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.
Article 21(1)(2) shall apply mutatis mutandis.

Justification

Necessitated by another amendment. See justification for the rapporteur's amendment to Article 21(1).

Amendment 22 Article 22, paragraph 3

3. Member States shall make available to the public and to appropriate organisations ***such as environmental organisations, consumer organisations, organisations representing the interests of sensitive population groups and other relevant health care bodies*** both the results of their investigations on the

3. Member States shall make available to the public and to appropriate organisations both the results of their investigations on the feasibility and the content of specific short-term action plans as well as information on the implementation of these plans. ***Relevant organisations shall be deemed to***

feasibility and the content of specific short-term action plans as well as information on the implementation of these plans.

comprise environmental organisations, consumer associations, organisations representing the interests of sensitive population groups, other relevant health care bodies and the relevant industrial federations.

Justification

See justification for the rapporteur's amendment to Article 24(1).

Amendment 23
Article 22, paragraph 3 a (new)

3a. 12 months after the entry into force of this directive, the Commission shall regularly publish examples of best practices for the drawing-up of short-term action plans.

Justification

Specific measures to reduce concentrations of pollutants at local and regional level should not be proposed in this directive. In the view of the rapporteur, specific proposals are not compatible with the subsidiarity principle. In view of the difficulties faced by many local and regional authorities in drawing up and implementing plans, the Commission should publish examples of best practices. These would facilitate the exchange of best practices between local authorities.

Amendment 24
Article 24, paragraph 1, introductory sentence

1. Member States shall ensure that the public as well as appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive populations ***and*** other relevant health-care bodies are informed, adequately and in good time, of the following:

1. Member States shall ensure that the public as well as appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive populations, other relevant health-care bodies ***and the relevant industrial federations*** are informed, adequately and in good time, of the following:

Justification

The measures provided for in the plans mainly relate to transport and, directly or indirectly, economic operations. It is therefore important to ensure that the relevant industrial federations are also consulted and informed.

Amendment 25
Article 24, paragraph 2

2. Member State shall make available to the public **comprehensive** annual reports for all pollutants covered by this Directive.

Those reports shall, **as a minimum**, summarise the levels exceeding limit values, **concentration caps**, target values, long-term objectives, information thresholds and alert threshold, for the relevant averaging periods. That information shall be combined with a summary assessment of the effects of those exceedences. The reports may include, where appropriate, further information and assessments on forest protection as well as information on other pollutants for which monitoring provisions are specified in this Directive, such as, inter alia, selected non-regulated ozone precursor substances as listed in Section B of Annex X.

2. Member State shall make available to the public annual reports for all pollutants covered by this Directive.

Those reports shall summarise the levels exceeding limit values, target values, long-term objectives, information thresholds and alert threshold, for the relevant averaging periods. That information shall be combined with a summary assessment of the effects of those exceedences. The reports may include, where appropriate, further information and assessments on forest protection as well as information on other pollutants for which monitoring provisions are specified in this Directive, such as, inter alia, selected non-regulated ozone precursor substances as listed in Section B of Annex X.

Justification

Reporting should be confined to essential information in order to ease the burden on local and regional authorities and Member States.

Amendment 26
Article 28

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. ***The Member States shall notify those provisions to the Commission by the date specified in Article 31(1) at the latest and shall notify it without delay of any subsequent amendment affecting them.***

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Justification

The notification of provisions is regulated in Article 31 of this directive. Member States should not be required to inform the Commission of their penalties for infringements of domestic provisions.

Amendment 27 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 develop and propose a detailed approach to establish legally binding obligations which take account of air quality situations and reduction potentials in the Member States.

Justification

Data on PM_{2.5} are in short supply at present. It would therefore be justified for the Commission to revise the existing provisions in five years' time on the basis of reliable data. However, when reviewing the directive, the Commission intends only to amend the provisions relating to PM_{2.5} and to propose binding obligations to reduce exposure. This unnecessarily restricts the scope for action. In five years' time, it should be possible to revise the directive as a whole in the light of the latest scientific knowledge and the experience gained. In doing so, account should be taken of the correlation between daily and annual values, the parallel measurement of PM₁₀ and PM_{2.5} and compatibility with the revised NEC directive.

Amendment 28 Article 31, paragraph 1, subparagraph 1

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive **by 31 December 2007 at the latest**. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive **within 12 months of the entry into force of this Directive**. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Justification

As the procedure will take time, it seems appropriate to set a deadline for transposition which is independent of any predetermined date.

Amendment 29
Annex III, Section A, letter (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 and 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.

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 to which the public are denied access or industrial installations to which the public do not have access and to which all relevant provisions concerning health and safety at work apply. In addition, large volumes of traffic make it impossible to comply with the limit values on roads and the central reservations of motorways where they are not significant in terms of impact on human health.

Amendment 30
Annex V, Section A, letter a

Text proposed by the Commission

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>

Amendments by Parliament

Population of agglomeration or zone (thousands)	If concentrations exceed the upper assessment threshold		If maximum concentrations are between the upper and lower assessment thresholds	
	<i>Pollutants other than PM_{2.5}</i>	<i>PM_{2.5}</i>	<i>Pollutants other than PM_{2.5}</i>	<i>PM_{2.5}</i>
0-249	1	<i>1</i>	1	<i>1</i>
250-499	2	<i>1</i>	1	<i>1</i>
500-749	2	<i>1</i>	1	<i>1</i>
750-999	3	<i>1</i>	1	<i>1</i>
1 000-1 499	4	<i>2</i>	2	<i>1</i>

1 500-1 999	5	2	2	1
2 000-2 749	6	3	3	1
2 750-3 749	7	3	3	1
3 750-4 749	8	4	4	2
4 750-5 999	9	4	4	2
≥ 6 000	10	5	5	2

Justification

The parallel measurement of PM₁₀ and PM_{2.5} will entail additional costs. However, there are several arguments in favour of reducing the number of sampling points for PM_{2.5}, without this necessitating the abandonment of additional health protection or comprehensive monitoring of PM_{2.5}: 1. The distribution of PM_{2.5} in the air is more even than that of PM₁₀; it can therefore be monitored just as effectively using fewer sampling stations. 2. There is a close correlation between PM₁₀ and PM_{2.5} (PM₁₀ constantly comprises 65 to 70% PM_{2.5}). Reliable data on PM_{2.5} may be obtained by means of a combination of measurements and model calculations.

The rapporteur therefore proposes reducing the number of measuring points for PM_{2.5} by half (rounding off where odd numbers are involved).

Amendment 31

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 %	

Amendments 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>by 31 December 2009</i>
	32 µg/m³	20 %	1 January 2010

Justification

Originally the Commission announced a reduction threshold for the annual average value for PM₁₀, 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. The rapporteur proposes that, by analogy with the reduction in the target value for PM_{2.5}, the limit value for PM₁₀ should be reduced by 20% to 32 µg/m³ per annum. Moreover, the annual average of 32 µg/m³ correlates better with the daily average of 50 µg/m³.

Amendment 32 Annex XIV, letter B

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 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.

Amendments 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>Reduction target in percent</i>	2020
7	0	
8	1	
9	1	
10	1	
11	1	
12	2	
13	3	
14	4	
15	5	
16	6	
17	7	
18	8	
19	9	
20	10	
21	12	
22	14	
23	16	
24	18	
25	20	
26	22	
27	25	
28	28	
29	31	
30	34	
31	37	
32	39	
33	41	
34	43	
35	45	

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

In its proposal, the Commission has opted for an across-the-board reduction target of 20% without assessing its impact in order to ascertain what practical measures and costs a 20% reduction would entail for the Member States. The rapporteur believes that a graduated model which differentiates between Member States and takes greater account of previous performance would at all events be preferable to an across-the-board reduction target. After all, the cost of reductions rises exponentially as the level of pollution falls. The across-the-board target of 20% would be particularly difficult to achieve in Member States which have already made great efforts to improve air quality and are now taking as their baseline air whose quality is relatively good. Those States where pollution is worse, on the other hand, should make bigger reductions. The Commission's model takes no account of previous achievements and punishes countries for taking action early rather than rewarding them. A graduated model would give the Member States stronger incentives to take immediate reduction measures irrespective of their current baseline situation.

The rapporteur proposes a graduated model, which takes as its point of departure an exponential rather than a linear function. The premise is a 20% reduction with 25 µg/m³, similar to that in the Commission proposal.

Formula and key:

$$R\% = (Cur.C - 7)^2 * MR / (IC-7)^2.$$

R% - percentage reduction

7 - lowest reduction threshold; here: 7

IC - initial concentration (linked to MR)

MR - maximum reduction (percent)

Cur.C = current concentration

Amendment 33
Annex XIV, letter C

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	Target value	Margin of tolerance	Date by which target value is to be met
Calendar year	20 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

Justification

The value of 25 µg/m³ which the Commission proposes for PM_{2.5} is not particularly ambitious. In many towns where the air is quite polluted, this value is already attained now. The rapporteur proposes a target value of 20 µg/m³: this takes account both of aspirations to improve the protection of health and of practicability. The value correlates with the proposed reduction of the limit value for PM₁₀ in Annex XI.

Amendment 34
Annex XV, letter B

deleted

Justification

The deletion of Annex XV B serves the purpose of systematic simplification. See the justification for the rapporteur's amendment to Article 20(1).

Amendment 35
Annex XVII, penultimate row

Text proposed by the Commission

<i>Annex XV Part B</i>	-	-	-	-
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Amendments by Parliament

deleted

Justification

Necessitated by amendment elsewhere.

EXPLANATORY STATEMENT

1. Introduction

Improving Europe's air quality is one of the most important tasks to be carried out in the field of environmental and health policy in future. The high level of air pollution, particularly in the EU's densely populated regions and conurbations, is partly responsible for numerous diseases of the airways and their consequences. Air quality in Europe has already improved substantially in recent decades thanks to strict legislation and technical progress; this applies to emissions both from transport and from power stations and industrial plants.

Improving the quality of our ambient air remains a major challenge. The problem of air pollution can only be solved in the long term and in a European framework, particularly by stepping up cross-border measures. In order for the ambitious goals to be achieved, further instruments will be needed in the Community in future: clean air in the Member States can only be achieved if the directives which are in force are transposed consistently and if new EU legislative proposals concentrate on restricting emissions at the point where they are caused (the polluter). Particular priority should be assigned to those fields which hitherto have received little consideration and hardly been regulated.

2. The Commission proposal

The Commission adopted its proposal for a directive on ambient air quality and cleaner air for Europe on 21 September 2005. It merges the existing framework directive and four other legislative instruments, including three of the four daughter directives and a Council decision. The proposed simplification reduces the volume of the existing legislation on air quality by 50%. The reporting requirements are modernised and information exchange simplified. The limit values in force are to remain unchanged by the new directive. The current annual limit value for PM₁₀ (40 µg/m³) and the daily limit value (50 µg/m³), which must not be exceeded on more than 35 days, remain unaltered. New in the Commission proposal is the introduction of the standard for PM_{2.5} with effect from 2010. In the case of PM_{2.5}, the proposal provides for both a concentration cap (equivalent to a limit value) of 25 µg/m³ and a reduction target for all Member States of 20% by 2020.

3. The rapporteur's position

Provisions concerning PM₁₀: Originally the Commission announced a reduction threshold for the annual average value for PM₁₀ after 2010, which is no longer to be found in the current proposal. The annual average of 40 µg/m³ which the Commission proposes and which, it is suggested, should remain unchanged after 2010, is not particularly ambitious. In most towns, this value is already achieved now. The rapporteur proposes reducing the limit value for PM₁₀ to 32 µg/m³ (a reduction of 20%). Moreover, the annual average of 32 µg/m³ correlates better with the strict daily average of 50 µg/m³ which is not to be exceeded on more than 35 days. This practice has hitherto caused Member States, particularly the towns and municipalities concerned, great difficulties in implementation. The Commission has recognised this problem and made it possible for municipalities to extend the deadlines for compliance with the rules by five years and to issue exemptions from the limit values in force. Although this is to be welcomed on

practical grounds, the question remains whether this is the right instrument if it proves impossible to comply with the limit values after five years.

The rapporteur proposes, in addition, and subject to certain conditions, an exemption from planning obligations for short-term measures, which is important for local authorities. Short-term action plans would accordingly have to be drawn up only if - in the light of local geographical, meteorological and economic conditions - the proposed measures had a significant potential to reduce the risk, duration or degree of an exceedance and to improve air quality.

Provisions concerning PM_{2.5}: The latest scientific findings indicate that serious health risks arise not from the larger particles but mainly from the smallest (PM_{2.5}). It is therefore necessary to start monitoring these.

The rapporteur proposes regulating PM_{2.5} in two stages. First a target value should be defined. At the second stage, which should follow five years later at most, with the review of the directive, a limit value can be set. Because there is a lack of experience of measuring PM_{2.5} and a shortage of reliable data, no limit value should be set at present. The term 'concentration cap' (which effectively means the same as 'limit value') is accordingly deleted and replaced with 'limit value' throughout the proposal.

The annual average of 25 µg/m³ which the Commission proposes for PM_{2.5} is not particularly ambitious. In many towns where the air is quite polluted, this value is already attained now. The rapporteur proposes a target value of 20 µg/m³: this takes account both of aspirations to improve the protection of health and of practicability. The value correlates with the proposed reduction of the limit value for PM₁₀ to 32 µg/m³.

In its proposal, the Commission has opted for an across-the-board reduction target of 20% for PM_{2.5} without assessing its impact in order to ascertain what practical measures and costs a 20% reduction would entail for the Member States. The rapporteur believes that a graduated model which differentiates between Member States and takes greater account of previous performance would at all events be preferable to an across-the-board reduction target. After all, the cost of reductions rises exponentially as the level of pollution falls. The across-the-board target of 20% would be particularly difficult to achieve in Member States which have already made great efforts to improve air quality and are now taking as their baseline air whose quality is relatively good. Those States where pollution is worse, on the other hand, should make bigger reductions. The Commission's model takes no account of previous achievements and punishes countries for taking action early rather than rewarding them. A graduated model would give the Member States stronger incentives to take immediate reduction measures, irrespective of their current baseline situation.

Further measures: The rapporteur proposes various systematic simplifications and linguistic clarifications which are intended to assist implementation at administrative level in particular. In addition, a definition of 'natural sources' is called for. It should be ensured that the only previous emissions from natural sources which are deducted are those which substantially exceed the average background levels already allowed for in calculating limit values or target values. In order to prevent abuse and procedural difficulties, the Commission should publish guidelines for the consideration of evidence and the deduction of exceedances attributable to natural sources.