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<TitreType>REPORT</TitreType>

<Titre>on the proposal for a European Parliament and Council Directive relating to limit values for benzene and carbon monoxide in ambient air </Titre>

<DocRef>(COM(1998) 591 – C4‑0135/1999 – 1998/0333(COD))</DocRef>

<Commission>{ENVI}Committee on the Environment, Public Health and Consumer Policy</Commission>

Rapporteur: <Depute>Hiltrud Breyer</Depute>

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| --- | --- |
| Symbols for procedures | Abbreviations for committees |
| \* 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 to give assent majority of the votes case 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) | I. AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy  II. BUDG Committee on Budgets  III. CONT Committee on Budgetary Control  IV. LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs  V. ECON Committee on Economic and Monetary Affairs  VI. JURI Committee on Legal Affairs and the Internal Market  VII. INDU Committee on Industry, External Trade, Research and Energy  VIII. EMPL Committee on Employment and Social Affairs  IX. ENVI Committee on the Environment, Public Health and Consumer Policy  X. AGRI Committee on Agriculture and Rural Development  XI. PECH Committee on Fisheries  XII. REGI Committee on Regional Policy, Transport and Tourism  XIII. CULT Committee on Culture, Youth, Education, the Media and Sport  XIV. DEVE Committee on Development and Cooperation  XV. AFCO Committee on Constitutional Affairs  XVI. FEMM Committee on Women's Rights and Equal Opportunities  XVII. PETI Committee on Petitions |

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<PgReglementaire>PROCEDURAL PAGE - CODECISION

By letter of 20 January 1999 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 175(1) of the EC Treaty, the proposal for a European Parliament and Council directive relating to limit values for benzene and carbon monoxide in ambient air (COM(1998) 591 – 1998/0333(COD)).

This proposal is on the list of the Commission proposals pending on 1 May 1999 for which the entry into force of the Treaty of Amsterdam requires a change of legal basis and/or a change of procedure.

At the sitting of 12 March 1999 the President of Parliament announced that he had referred the proposal to the Committee on the Environment, Public Health and Consumer Protection (C4‑0135/1999).

At its meeting of 21 January 1999 the Committee on the Environment, Public Health and Consumer Protection had appointed Mrs Hiltrud Breyer rapporteur.

It considered the Commission proposal and the draft report at its meetings of 19 October and 16 November 1999.

At the last meeting it adopted the draft legislative resolution by 33 votes to 13.

The following took part in the vote: Jackson, chairman; De Roo, vice-chairman; Breyer, rapporteur; Arvidsson, Ayuso González, Blokland, Bowe, Bowis, Corbey, Doyle, Flemming, Florenz, García Orcoyen Tormo, González Alvarez, Goodwill, Gorostiaga Atxalandabaso (for Kronberger), Gutíerrez-Cortines, Helmer, Hulthén, Isler Béguin, McKenna, Keppelhoff-Wiechert (for De Sarnez), Klass, Maaten, Martens (for Grossetête), Meijer (for Papayannakis), Menéndez Del Valle (for Lage), Moreira da Silva, E. Müller, R. Müller, Nisticò, Olsson, Patrie, Paulsen, Ries, Roth-Behrendt, Sacconi, Saint-Josse, Schleicher (for Korhola), Schörling, Sommer (for Liese), Sornosa Martínez, Sturdy (for Oomen-Ruijten), Taylor (for Lage), Trakatellis and Vachetta.

The report was tabled on 18 November 1999.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

<PgPartieA><SubPage>LEGISLATIVE PROPOSAL

Proposal for a European Parliament and Council directive relating to limit values for benzene and carbon monoxide in ambient air (COM(1998) 591 – C4‑0135/1999 – 1998/0333(COD))

This proposal is amended as follows:

<SubAmend>

|  |  |  |
| --- | --- | --- |
| Text proposed by the Commission [[1]](#footnote-1) |  | Amendments by Parliament |

<Amend>(Amendment <NumAm>1</NumAm>)

<TitreAm>Recital 5a (new)

</TitreAm>

|  |  |
| --- | --- |
|  | Whereas the limit values set in this Directive represent minimum requirements. In accordance with Article 176 of the Treaty, Member States may maintain, or take measures affording, a higher level of protection. Stricter limit values may be set in particular in order to protect the health of vulnerable population groups, such as children and hospital patients. Member States may provide that the limit values must be observed by an earlier date than provided for in this Directive. |

<TitreJust>Justification:

</TitreJust>

<AmJust>The first subsidiary directive contains this recital. It is in line with the legal bases of the Treaty which provide that environmental protection measures represent minimum requirements that may exceeded.

</AmJust>

</Amend><LANG:EN><Amend>(Amendment <NumAm>2</NumAm>)

<TitreAm>Recital 5b (new)

</TitreAm>

|  |  |
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|  | Benzene is a carcinogenic, genotoxic product for humans. There is no threshold value for benzene below which it poses no threat for human health. |

<TitreJust>Justification:

</TitreJust>

<AmJust>Since the directive is also intended to protect public health, it must contain a reference to the genotoxic carcinogenicity of benzene, which is a proven fact. The absence of a threshold value is a key aspect in applying the precautionary principle.</AmJust>

<Amend>(Amendment 3<NumAm></NumAm>)

Recital 6a (new)

|  |  |
| --- | --- |
|  | Whereas air pollution in enclosed spaces may constitute a substantial source of pollution through benzene and volatile organic compounds; |

</Amend><LANG:EN><Amend>(Amendment 4<NumAm></NumAm>)

<TitreAm>Recital 7a (new)

</TitreAm>

|  |  |
| --- | --- |
|  | Whereas information on the measured levels of benzene and carbon monoxide concentrations by the Commission should be forwarded as a basis for regular reports; |

<TitreJust>Justification:

</TitreJust>

<AmJust>This recital refers to the obligation of the Member States to provide proof for the implementation of the Directive.</AmJust>

<Amend>(Amendment 5<NumAm></NumAm>)

Article 3(2)

|  |  |
| --- | --- |
| Within zones and agglomerations within which Member States can demonstrate that the application of measures to meet the limit value laid down in Annex I would result in severe socio-economic problems, the Commission may, acting in accordance with the procedure laid down in Article 12(2) of Directive 96/62/EC, grant time-limited extensions for meeting the limit value for periods of up to five years. | Within zones and agglomerations within which Member States can demonstrate that the application of measures to meet the limit value laid down in Annex I would result in severe socio-economic problems, the Commission may, acting in accordance with the procedure laid down in Article 12(2) of Directive 96/62/EC, grant a single time-limited extension for meeting the limit value for periods of up to five years. The concentration of benzene may not exceed 10 μg/m3. |

</AmJust>

</Amend><LANG:EN><Amend>(Amendment 6<NumAm></NumAm>)

<TitreAm>Article 5(7)

</TitreAm>

|  |  |
| --- | --- |
| Any amendments necessary to adapt the provisions of this Article and Annexes III to VII to scientific and technical progress shall be adopted in accordance with the procedure laid down in Article 12 of Directive 96/62/EC. | Any amendments necessary to adapt the provisions of this Article and Annexes III to VII to scientific and technical progress shall be adopted in accordance with the procedure laid down in Article 12 of Directive 96/62/EC, but may not result in any direct or indirect changes in limit values. |

<TitreJust>Justification:

</TitreJust>

<AmJust>This article concerns amendments to the Directive as part of the commitology procedure. The amendment makes clear that limit values may not be changed either directly or indirectly as part of the commitology procedure in accordance with Article 12 of the framework Directive 96/62/EC. The changes needed to adjust to economic and technical progress may concern only the criteria and techniques for measuring the concentration of benzene and carbon monoxide and/or details about forwarding the information to the Commission. Parliament thereby emphasises that the setting of limit values is of capital importance for the public acceptance of the Directive and that this prerogative remains with the parliamentary legislative body

.</AmJust>

</Amend><LANG:EN><Amend>(Amendment 7<NumAm></NumAm>)

<TitreAm>Article 6(1), subparagraph 1

</TitreAm>

|  |  |
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| Member States shall ensure that up-to-date information on ambient concentrations of benzene and carbon monoxide is routinely made available to the public as well as to appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive populations and other relevant health-care bodies by means, for example, of broadcast media, press, information screens or computer-network services. | Member States shall ensure that up-to-date information on ambient concentrations of benzene and carbon monoxide is routinely made available to the public as well as to appropriate organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive populations and other relevant health-care bodies by means, for example, of broadcast media, press, information screens, computer-network services, telex, internet, telephone or fax. A list of notified organisations should be forwarded to the Commission together with the information forwarded pursuant to Article 11 of Directive 96/62/EC. |

<TitreJust>Justification:

</TitreJust>

<AmJust>Providing the public with precise and comprehensive information is a key element of the air quality control policy pursued by this Directive. All available technical means should therefore be used to achieve this end.

</AmJust>

</Amend><LANG:EN><Amend>(Amendment 8<NumAm></NumAm>)

<TitreAm>Article 6(1), subparagraph 2

</TitreAm>

|  |  |
| --- | --- |
| Information on ambient concentrations of benzene shall be updated on at least a monthly basis. Information on ambient concentrations of carbon monoxide shall be updated on at least a daily basis. | Information on ambient concentrations of benzene shall be updated on at least a monthly basis. Information on ambient concentrations of carbon monoxide shall be updated on at least a daily basis, or where feasible, on an hourly basis. |

<TitreJust>Justification:

</TitreJust>

<AmJust>In some Member States hourly updating is perfectly feasible. Advantage should be taken of this possibility to ensure more complete information.

</AmJust>

</Amend><LANG:EN><Amend>(Amendment 9<NumAm></NumAm>)

<TitreAm>Article 6(2)

</TitreAm>

|  |  |
| --- | --- |
| While making plans or programmes available to the public under Article 8(3) of Directive 96/62/EC, Member States shall also make them available to the organisations referred to in paragraph 1 of this Article. | While making plans or programmes available to the public under Article 8(3) of Directive 96/62/EC, Member States shall also make them available to the organisations referred to in paragraph 1 of this Article. This also includes the documentation required by Annex IV (III) and Annex VI (II). |

<TitreJust>Justification:

</TitreJust>

<AmJust>The aim of this amendment is to meet the obligation to ensure that the public is comprehensively informed. It is therefore in line with the rapporteur’s approach which is to make information a basic component of the Directive.

</AmJust>

</Amend><LANG:EN><Amend>(Amendment 10<NumAm></NumAm>)

<TitreAm>Article 7(1)

</TitreAm>

|  |  |
| --- | --- |
| No later than 31 December 2004 the Commission shall submit to the European Parliament and the Council a report based on the experience acquired in the application of this Directive and, in particular, on the results of the most recent scientific research concerning the effects on human health and ecosystems of exposure to benzene and carbon monoxide, and on technological developments including the progress achieved in methods of measuring and otherwise assessing concentrations of benzene and carbon monoxide in ambient air. | No later than 31 December 2004 the Commission shall submit to the European Parliament and the Council a report based on the experience acquired in the application of this Directive and, in particular, on the results of the most recent scientific research concerning the effects on human health, paying particular attention to vulnerable population groups, and ecosystems of exposure to benzene and carbon monoxide, and on technological developments including the progress achieved in methods of measuring and otherwise assessing concentrations of benzene and carbon monoxide in ambient air. |

*Justification:*

*These population groups are particularly at risk from air pollution from the pollutants in question, and the directive seeks therefore primarily to protect them. This applies particularly to children, the elderly and people suffering from asthma and cardiovascular diseases.*

</Amend>

</LANG:EN><LANG:EN>

<Amend>(Amendment <NumAm>11</NumAm>)

Article 7(3)

|  |  |
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| With a view to maintaining a high level of protection of human health and the environment the report shall be accompanied by proposals for the amendment of this Directive if appropriate. In particular the Commission shall propose an absolute limit to the length of any further extensions to the timetable for meeting the limit value for benzene in Annex I which may be agreed under Article 3(2). | With a view to maintaining a high level of protection of human health and the environment the report shall be accompanied by proposals for the amendment of this Directive if appropriate. In particular the Commission shall review to what extent the limit value for benzene should be reduced. |

# *Justification:*

*Benzene is a genotoxic carcinogen. Given the present state of scientific knowledge it is impossible to set a threshold below which there is no health risk. This report should therefore consider the need for a reduction in the limit value for benzene, applying the precautionary principle.*

<Amend>(Amendment <NumAm>12</NumAm>)

Article 7(3)(a)(new)

|  |  |
| --- | --- |
|  | The Commission shall propose an action programme on air pollution in enclosed spaces so as to complete Community legislation on outside air. |

</LANG:EN><LANG:EN>

<Amend>(Amendment 13<NumAm></NumAm>)

Article 9(1), first subparagraph

|  |  |
| --- | --- |
| Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2001 at the latest. They shall forthwith inform the Commission thereof. | Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2001 at the latest. They shall forthwith inform the Commission thereof. They shall equally provide information on the location and number of sampling points and the reference measurement techniques and reference modelling techniques. |

</LANG:EN>@>ZOTHAM<@

# *Justification:*

*Directive 96/62 provides for a comprehensive notification obligation for the Member States. Since one of the key issues in the overall package of measures is the Community-wide comparability of data (recital 7), the subsidiary directive should at least provide for the obligation to report on this specific implementation measure.*

<Amend><NumAm></NumAm>

(Amendment 14)

Annex IV(II), Item 5, third indent

|  |  |
| --- | --- |
| - for benzene, inlets should be sited so as to be representative of air quality near to the building line. | - for benzene, inlets should be sited so as to be representative of air quality near to the building line and less than 5 m. from the edge of the road. |

*Justification:*

*This arrangement is in line with the first subsidiary directive (99/30/EC) regarding measurements of nitrogen oxides and is also needed in this directive for measurements of carbon monoxide. Benzene should be subject to the same measurement criteria.*

(Amendment 15)

Annex V, Point a, subparagraph 1 (new)

*(following the table)*

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| --- | --- |
|  | At least half and not less than one of the sampling points should be close to traffic and at least one should be oriented to the urban background. |

*Justification:*

*This was a criterion that had already been discussed in the context of the first subsidiary directive; it is also relevant in the case of the two pollutants covered by this Directive.*

<LANG:EN>

<Amend>(Amendment 16<NumAm></NumAm>)

Annex VI, I, subparagraph 4a (new)

|  |  |
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|  | In the case of benzene Member States may, however, apply random measurements instead of continuous measurements if they can demonstrate to the Commission that accuracy within the 95% confidence interval with respect to continuous monitoring is within 10%. Random sampling must be spread evenly over the year. |

**DRAFT LEGISLATIVE RESOLUTION**

**Legislative resolution embodying Parliament's opinion on the proposal for a European Parliament and Council directive relating to limit values for benzene and carbon monoxide in ambient air (COM(1998) 591 – C4-0135/1999 – 1998/0333(COD))**

**(Codecision procedure: first reading)**

The European Parliament,

* having regard to the Commission proposal to the European Parliament and the Council (COM(1998) 591)[[2]](#footnote-2),
* having regard to Article 251(2) and Article 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C4-0135/1999),
* having regard to Rule 67 of its Rules of Procedure,
* having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0065/1999),

1. Approves the Commission proposal as amended;
2. Asks to be consulted again should the Commission intend to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council and Commission.

**EXPLANATORY STATEMENT**

**Introduction**

The citizens of Europe need cleaner air. The latest publication by the European Environmental Agency entitled ‘Environment in the European Union at the turn of the century’ states that air pollution in most cities poses a threat to health and almost 40 million people in the 115 larger European cities are exposed to pollutant levels exceeding the WHO’s air quality guidelines in the case of at least one pollutant. It should be borne in mind that some three quarters of the population of Europe live in these cities. Despite various political initiatives aimed at reducing pollution and improving air quality, it is assumed that passenger transport needs will increase by 40% between 1990 and 2010 and the number of vehicles by 25% which will increase air pollution still further. In a report published this year the WHO comes to the conclusion that air pollution traffic kills even more people than car accidents. The economic cost amounts to billions of euros due, for instance, to an increased incidence of bronchitis among children or heart disease and respiratory problems, such as asthma. It is therefore necessary to reduce the level of air pollution in order to limit the consequences for particularly vulnerable groups of persons and to ease the burden on the health systems. Every citizen of Europe has a right to cleaner air.

**Background to the Commission’s proposal**

The Directive in question is the second subsidiary directive within the framework of Council Directive 96/62/EC on ambient air quality assessment and management. The first subsidiary Directive (99/39/EC) covered the air pollutants SO2, NOx, particulate matter and lead. The pollutants covered by the present Directive, benzene and carbon monoxide, are listed in Annex I of the framework Directive. Under Article 4(1), third indent, of the framework Directive (96/62/EC), the Commission should have submitted by 31 December 1997 at the latest proposals setting limit values. A proposal for a further subsidiary directive on the ozone content of air was submitted by the Commission (COM(99) 125 final). The proposals for subsidiary directives on poly-aromatic hydrocarbons and heavy metals are due to be submitted by 31 December 1999 at the latest.

The proposal forms part of an integrated raft of measures aimed at combating air pollution. This comprises on the one hand the individual directives on pollutants within the framework of the directive on ambient air quality assessment and management and, on the other, directives aimed at reducing emissions such as the Auto-Oil Programme, the IPPC Directive and the directive on national emission limit values for certain pollutants (COM(99) 125 final). These initiatives are closely related, as the Commission discussion paper on the future development of air quality in the European Union (Clean Air For Europe, CAFE) stresses. An integrated approach of this kind aimed at improving air quality is specifically endorsed by the European Parliament.

The Commission proposal does not specifically address the problems of air pollution in the applicant countries. However, the Commission is aware of the problems the applicant countries might face in complying with the requirements of the directive.

The proposal is the work of a group of experts set up by the Commission on the basis of Framework Directive 96/62/EC in which experts from the Member States, from industry, NGOs, the European Environmental Agency, the World Health Organisation and international scientists are involved. A cost benefit analysis was carried out by Commission consultants which extrapolated the results of individual studies in three European cities to Community level. The work of the Auto-Oil Programme was used as a starting point.

# Legal basis

The legal basis for the proposal for a directive is Article 175(1) of the EC Treaty. The proposal’s objective of preserving and protecting the environment, improving its quality and protecting human health is in line with the objectives of the Community’s environmental policy laid down in Article 174(1) of the EC Treaty.

The proposal for this directive was submitted before the entry into force of the Treaty of Amsterdam on the basis of the old version of Article 130s(1) of the EC Treaty; now the codecision procedure under Article 175(1) and Article 251 of the EC Treaty applies.

# Objectives of the proposed directive

The structure and form of the proposed directive are similar to those of the first subsidiary Directive 99/30/EC. The results of the negotiations held at the time have also been used here.

The proposal not only lays down limit values for air pollutants and a timetable for compliance; it also seeks to ensure that the public is kept informed about the condition of the air and lays down precise requirements for controlling benzene and carbon monoxide concentrations. The purpose of these measures is to ensure a high level of public health protection, in particular as regards vulnerable population groups, such as children, the elderly and people with cardiovascular problems. This high level of protection should benefit all citizens of the Community.

The proposed limit values can be attained by a series of measures to reduce emissions. These include at European level inter alia the Auto-Oil programme, the directive on the sulphur content of certain liquid fuels, the directives on large incineration plants and the incineration of refuse, the IPPC Directive and the proposal for a directive on national emission limit values for certain air pollutants. However, the use of the best available technologies and the regulatory and control mechanisms of these directives will not suffice to attain the limit values laid down in this proposal for a directive, and this means that measures at local level have a particular role to play. These measures concern, for example, action programmes at local level, road charges, parking charges, regional planning, low emission areas or public transport.

This Directive is in keeping with the principle of subsidiarity and makes the Member States responsible for respecting the limit values within the prescribed time limit as part of their national strategies for controlling air pollution.

# Definitions

The definitions of concepts used in this directive are set out in Article 2 of framework Directive 96/62/EEC.

# The pollutants

## Benzene

Benzene is a human genotoxic carcinogen which causes leukaemia. There is no threshold as far as health risks are concerned, and no exposure to benzene is free of risk. The limit value should therefore be set at a point where there is an extremely low risk of illness. This is required by the precautionary principle laid down in Article 174(2) of the EC Treaty.

The main sources of benzene are petrol and oil. In the EC between 80 and 85% of benzene emissions are due to the combustion of petrol in road traffic.

The Commission has proposed an average annual limit value of 5 μg/m3 for benzene, to be attained by 2010 (except in cases where socio-economic considerations apply). This value is based on a WHO guideline which sets a unit risk of 6 x 10-6. This is the additional risk of contracting leukaemia given a permanent lifelong exposure of 1μg/m3.

There is no need for an alert threshold for benzene since, given the concentrations of benzene in the air, health is only likely to be affected in the long term.

Benzene is the first carcinogen in respect of which a legally binding limit value is being set at European level. This will also create a precedent for establishing limit values for other carcinogens. This also sets a standard internationally.

## Carbon monoxide

Carbon monoxide is one of the most frequent toxic air pollutants and is released into the air principally by incomplete combustion.

The largest source of carbon monoxide emissions in the European Union is road transport which accounts for two-thirds of emissions.

Carbon monoxide reduces the oxygen-carrying capacity of blood and can lead to toxic effects for the brain and heart, and in high concentrations can even lead to death.

The Commission’s proposal is based on the WHO directives for a maxim CO concentration. The limit value was set at an average exposure of 10 mg/m3 for 8 hours. No alert threshold was set, since this would have no practical significance, given the improbability of health-threatening concentrations outside.

# Recommendations

The Commission’s proposal is well thought out, and ambitious, but also realistic. As far as the precautionary principle is concerned, the rapporteur has attempted further to increase protection of public health in the light of the latest scientific findings and, where this appears economically feasible, to increase the proposed standards still further. In line with the Parliament’s general policy, the rapporteur sets great store by providing the public with even more comprehensive information which is clear and comprehensible, easily accessible and fully up-to-date.

1. 1 OJ C 53, 24.2.1999, p. 8. [↑](#footnote-ref-1)
2. OJ C 53, 24.2.1999, p. 8. [↑](#footnote-ref-2)