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A5-0062/2000

*****I** **REPORT**

on the proposal for a European Parliament and Council directive relating to
ozone in ambient air
(COM(1999) 125 – C5-0048/1999 – 1999/0068(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Chris Davies

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)

Abbreviations for committees

- 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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PROCEDURAL PAGE

By letter of 14 July 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 ozone in ambient air (COM(1999) 125 – 1999/0068(COD)).

At the sitting of 23 July 1999 the President of Parliament announced that she had referred this proposal to the Committee on the Environment, Public Health and Consumer Policy as the committee responsible and the Committee on Industry, External Trade, Research and Energy for its opinion (C5-0048/1999).

The Committee on the Environment, Public Health and Consumer Policy had appointed Chris Davies rapporteur at its meeting of 14 September 1999.

The Committee on the Environment, Public Health and Consumer Policy considered the Commission proposal and the draft report at its meetings of 10 January and 23 February 2000.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Caroline Jackson, chairman; Alexander de Roo, Carlos Lage,, vice-chairmen; Chris Davies,, rapporteur; Per-Arne Arvidsson, Maria del Pilar Ayuso González, Hans Blokland, David Robert Bowe, John Bowis, Dorette Corbey, Avril Doyle, Marialiese Flemming, Karl-Heinz Florenz, Cristina García Orcoyen Tormo, Robert Goodwill, Françoise D. Grossetête, Cristina Gutiérrez Cortines, Anneli Hulthén, Marie Anne Isler Béguin, Christa Klauf, Hans Kronberger, Bernd Lange, Paul A.A.J.G. Lannoye (for Hiltrud Breyer), Peter Liese, Torben Lund, Jules Maaten, Minerva Melpomeni Malliori, Maria Martens (for Marielle de Sarnez), Giuseppe Nisticò, Karl Erik Olsson, Marit Paulsen, Fernando Pérez Royo (for Marie-Noëlle Lienemann), Frédérique Ries, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Ursula Schleicher (for Roger Helmer), Jonas Sjöstedt, Bart Staes (for Patricia McKenna), Catherine Taylor, Marianne L.P. Thyssen (for Eija-Riitta Anneli Korhola), Antonios Trakatellis, Roseline Vachetta, Kathleen Van Brempt (for Rosemarie Müller) and Phillip Whitehead.

The opinion of the Committee on Industry, External Trade, Research and Energy is attached.

The report was tabled on 1 March 2000.

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

LEGISLATIVE PROPOSAL

Proposal for a European Parliament and Council directive relating to ozone in ambient air (COM(1999) 125 – C5-0048/1999 – 1999/0068(COD))

This proposal is amended as follows:

<u>Text proposed by the Commission¹</u>	<u>Amendments by Parliament</u>
(Amendment 1) Recital 3	
(3) It is important to ensure effective protection against effects on human health from exposure to ozone. The adverse effects of ozone on vegetation, ecosystems and the environment as a whole should be reduced, as far as possible. The transboundary nature of ozone requires action to be taken at Community level.	(3) It is important to ensure effective protection against effects on human health from exposure to ozone. The adverse effects of ozone on vegetation, ecosystems and the environment as a whole should be reduced, as far as possible. The transboundary nature of ozone requires action to be taken at Community level. <u>The early engagement of accession countries is essential.</u>
<i>Justification:</i>	
<i>Air pollution pays no respect to national boundaries. To achieve improvements in air quality the involvement of the maximum number of neighbouring states is desirable.</i>	
(Amendment 2) Recital 12	
(12) The transboundary nature of ozone pollution may require certain coordination between neighbouring Member States in drawing up and implementing action plans and in informing the public.	(12) The transboundary nature of ozone pollution may require certain coordination between neighbouring Member States <u>and accession countries</u> in drawing up and implementing action plans and in informing the public.
<i>Justification:</i>	
<i>Air pollution pays no respect to national boundaries. To achieve improvements in air quality the involvement of the maximum number of neighbouring states is desirable.</i>	
(Amendment 3) Article 1, Objectives paragraph (e) (new)	

¹ OJ C .

(e) to ensure increased cooperation between the Member States in reducing ozone levels and use of the potential of and agreement on transboundary measures;

Justification:

Increased cooperation between Member States will boost the efficiency of measures taken.

(Amendment 4)
Article 2
Definitions

(3) "level" means the concentration of a pollutant in ambient air or the deposition thereof on surfaces in a given time;

(3) "level" means the concentration of ozone or its precursors in ambient air or the deposition thereof on surfaces in a given time;

Justification:

To ensure that the 'level' does not exclude natural pollutants, given the proposed definition of 'pollution'.

(Amendment 5)
Article 4
Long-term objectives

1. The long-term objectives for ozone concentrations in ambient air are those set out in Section III of Annex I.

1. The long-term objectives for ozone concentrations in ambient air, to be achieved by 2020, subject to modification, if necessary, during the reviews, are those set out in Section III of Annex I.

2. Member States shall draw up a list of the zones and agglomerations in which the levels of ozone in ambient air, as assessed in accordance with Article 9, are higher than the long-term objectives referred to in paragraph 1 but below or equal to the target values set out in Section II of Annex I. Within such zones and agglomerations Member States shall implement measures with the aim of achieving the long-term objectives as far as possible.

2. Member States shall draw up a list of the zones and agglomerations in which the levels of ozone in ambient air, as assessed in accordance with Article 9, are higher than the long-term objectives referred to in paragraph 1 but below or equal to the target values set out in Section II of Annex I. Within such zones and agglomerations Member States shall prepare and implement measures with the aim of achieving as far as possible the long-term objectives as from the date specified of Section III of Annex I.

Justification:

The introduction of a target date for the achievement of LTOs is intended to clarify the ultimate goal of the legislation.

(Amendment 6)

Article 5

Requirements in zones and agglomerations where ozone levels meet the long-term objectives

Member States shall draw up a list of zones and agglomerations in which ozone levels meet the long-term objectives. They shall maintain the levels of ozone in those zones and agglomerations below the long-term objectives and shall endeavour to preserve the best ambient air quality compatible with sustainable development.

Member States shall draw up a list of zones and agglomerations in which ozone levels meet the long-term objectives. They shall maintain the levels of ozone in those zones and agglomerations below the long-term objectives and shall endeavour to preserve the best ambient air quality compatible with sustainable development and a high level of environmental and human health protection.

Justification:

A clear reference to environmental and human health protection is needed in this context.

(Amendment 7)

Article 6(1)

Dissemination of up to date information thresholds and alert thresholds

1. Member States shall take appropriate steps to disseminate up-to-date information on ambient concentrations of ozone to the public as well as to appropriate organisations representing the interests of sensitive population groups and other relevant health care bodies, by means, for example, of the broadcasting media, the press, information screens or computer network services. This shall include information on relevant precursor substances in so far as these are not covered by existing Community legislation.

1. Member States shall ensure that up-to-date information on ambient concentrations of ozone 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 population groups and other relevant health care bodies, by means, for example, of the broadcasting media, the press, information screens or computer network services. This shall include information on relevant precursor substances in so far as these are not covered by existing Community legislation.

Justification:

To clarify the obligation for Member States to disseminate information.

(Amendment 8)

Article 6(2)

2. The information threshold and the alert threshold for concentrations of ozone in ambient air are given in Section I of Annex II. Details supplied to the public in accordance with Article 10 of Directive 96/62/EC when either threshold is exceeded shall include as a minimum the items listed in Section II of Annex II. Member States shall where practicable also take steps to supply such information when an exceedance of the information threshold or alert threshold is predicted.

2. The information threshold and the alert threshold for concentrations of ozone in ambient air are given in Section I of Annex II. Details supplied to the public in accordance with Article 10 of Directive 96/62/EC when either threshold is exceeded shall include as a minimum the items listed in Section II of Annex II. Member States shall also take steps to supply such information when an exceedance of the information threshold or alert threshold is predicted.

Justification:

Tightens up Member States' obligations as regards the dissemination of information regarding exceedances of the information and alert thresholds.

(Amendment 9)

Article 7

Short-term action plans

In accordance with Article 7(3) of Directive 96/62/EC, Member States shall draw up action plans indicating measures to be taken in the short term where there is a risk of exceedances of the alert threshold and where there is likely to be significant potential for reducing that risk or for reducing the duration and severity of any exceedance.

For this purpose, Member States shall investigate and assess the reduction potential of those short-term measures, taking into account the criteria specified in the guidance referred to in Article 12.

Member States shall also have regard to that guidance when developing and implementing the short-term action plans.

In accordance with Article 7(3) of Directive 96/62/EC, Member States shall draw up local action plans indicating measures to be taken in the short term in each case and in each place where there is a risk of exceedances of the alert threshold and where there is likely to be significant potential for reducing that risk or for reducing the duration and severity of any exceedance of the alert threshold.

For this purpose, Member States shall investigate and assess, in each case the reduction potential of those short-term measures, taking into account the criteria specified in the guidance referred to in Article 12.

Member States shall also have regard to that guidance when developing and implementing the short-term action plans.

Member States shall inform the European Commission, the public, appropriate

organisations such as environmental organisations, consumer organisations, organisations representing the interests of sensitive population groups and health care bodies about both the results of their investigations and the content and application of specific short-term action plans.

Justification:

Intended to encourage a more thorough validation of the efficiency of the short-term actions plans and to ensure that the process of formulating the short-term action plans is transparent.

(Amendment 10)

Article 10(1)(c)

Transmission of information and reports

(c) inform the Commission every three years of the progress of any such plan or programme;

(c) inform the Commission every three years of the progress of any such plan or programme;

(ca) provide the Commission annually with details of the content and application of such short-term action plans as may have been prepared in accordance with Article 7 of this Directive.

Justification:

To provide a further stimulus to the production of short-term action plans.

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(Amendment 11)

Article 10(2)

2. Member States shall also:
(a) for each month from April to September each year, send to the Commission, on a provisional basis, by no later than the end of the following month, the information specified in Annex III to this Directive;
(b) for each year, send to the Commission by no later than 1 July of the following calendar year the validated information specified in Annex III;
(c) within nine months of the end of each

2. Member States shall also:
(a) for each month from April to September each year, send to the Commission, on a provisional basis, by no later than the end of the following month, the information specified in Annex III to this Directive;
(b) for each year, send to the Commission by no later than 1 July of the following calendar year the validated information specified in Annex III;

year, send the Commission the annual average concentration for that year of the ozone precursor substances specified in Annex VI;

(d) forward to the Commission every three years within the framework of the sectoral report referred to in Article 4 of Council Directive 91/692/EEC and no later than 9 months after the end of each three-year period:

(i) information reviewing the levels of ozone observed or assessed, as appropriate, in the zones and agglomerations referred to in Articles 3(2), Article 4(2) and Article 5 of this Directive;

(ii) information on any measures taken or planned under Article 4(2) of this Directive;

(iii) information regarding decisions on short-term action plans and concerning the design of any such plans prepared in accordance with Article 7 of this Directive.

(c) within nine months of the end of each year, send the Commission the annual average concentration for that year of the ozone precursor substances specified in Annex VI;

(d) forward to the Commission every three years within the framework of the sectoral report referred to in Article 4 of Council Directive 91/692/EEC and no later than 9 months after the end of each three-year period:

(i) information reviewing the levels of ozone observed or assessed, as appropriate, in the zones and agglomerations referred to in Articles 3(2), Article 4(2) and Article 5 of this Directive;

(ii) information on any measures taken or planned under Article 4(2) of this Directive.

Justification:

Moved to Article 10(1)(ca) (Amendment 10).

(Amendment 12)
Article 10(3)(aa) (new)

3. The Commission shall:

3. The Commission shall:

(aa) publish the information submitted by Member States in a form that enables direct comparison between the performance of Member States.

Justification:

This new clause seeks to bolster transparency and also enforcement of this Directive through facilitating public scrutiny.

(Amendment 13)
Article 11(1)
Review and reporting

1. The Commission shall submit to the European Parliament and the Council by

1. The Commission shall submit to the European Parliament and the Council by

[31 December 2004] at the latest a report based on experience of the application of this Directive, and in particular on the findings of the most recent scientific research into the effects on human health and the environment of exposure to ozone, and on technological developments, including progress achieved in methods of measuring and otherwise assessing concentrations.

[31 December 2004] at the latest a report based on experience of the application of this Directive, and in particular on the findings of the most recent scientific research into the effects on human health and the environment of exposure to ozone, and on technological developments, including progress achieved in methods of measuring and otherwise assessing concentrations and evolution of ozone concentrations throughout Europe. The report shall compare model predictions with actual measurements.

Justification:

To enable effective review of actual performance and ensure that the methodology adopted by the Commission in preparing its proposals proves appropriate in practice.

(Amendment 14)
Article 11(2)

2. The report shall include a review of the provisions of this Directive in the light of the most recent scientific research concerning in particular the effects of ozone on human health and the environment.

2. The report shall include a review of the provisions of this Directive in the light of the most recent scientific research concerning in particular the effects of ozone on the environment and on human health, specifically taking into account sensitive groups of the population.

Justification:

Certain groups within the population are affected by ozone more severely than others.

(Amendment 15)
Article 11(3)(b)

(b) transport of pollution across national boundaries;

(b) transport of pollution across national boundaries, taking account of progress made by the accession countries as regards preparations for the implementation of Community air quality legislation;

Justification:

The inclusion of the accession states in the review clause may serve to raise the ambition of Member States regarding the achievement of ozone reductions.

(Amendment 16)
Article 11(3)(fa) (new)

(fa) the relationship between this Directive and expected changes in the consumption of fuels as a result of measures to be taken by Member States in order to fulfil commitments relating to climate change;

Justification:

The original proposal was drafted according to the “business as usual” scenario. No account was taken of changes which should result from compliance with climate change commitments. By taking these into account in the review process, Member States may be more ambitious regarding targets values in 2004.

(Amendment 17)
Article 11(3)(i)

(i) with specific regard to ozone, the potential to achieve the long-term objective, based on the guidelines of the WHO, within a foreseeable time period.

(i) with specific regard to ozone, the potential to achieve the long-term objective, based on the guidelines of the WHO, by 2020.

Justification:

The introduction of a target date for the achievement of LTOs is intended to clarify the ultimate goal of the legislation.

(Amendment 18)
ANNEX I
Text proposed by the Commission

II. Target values for ozone

	Parameter	Target value	Year by which the target value must be attained as far as possible ¹
1. Target value for the protection of human health	Highest 8-hour mean within one day, calculated from hourly running 8-hour averages	120 µg/m ³ not to be exceeded on more than 20 days per calendar year averaged over three years ²	2010
2. Target value for the protection of vegetation	AOT40, calculated from 1h values from May to July	17000 µg/m ³ .h averaged over five years ²	2010

¹ Compliance with target values will be assessed as of this date. That is, 2010 will be the first year the data for which is used in calculating compliance over the following three or five years, as appropriate.

² If the three or five year averages cannot be determined on the basis of a full and consecutive set of annual data, the minimum annual data required for checking compliance with the target values will be as follows:

- for the target value for the protection of human health: valid data for one year
- for the target value for the protection of vegetation: valid data for three years.

III. Long-term objectives for ozone

	Parameter	Long-term objective not to be exceeded
1. Long-term objective for the protection of human health	Highest 8-hour mean within a calendar year, calculated from hourly running 8-hour averages	120 µg/m ³
2. Long-term objective for the protection of vegetation	AOT40, calculated from 1h values from May to July	6 000 µg/m ³ .h

(Amendment 18)

ANNEX I

Amendments by Parliament

II. Target values for ozone

	Parameter	Target value	Year by which the target value must be attained ¹
1. Target value for the protection of human health	Highest 8-hour mean within one day, calculated from hourly running 8-hour averages	120 µg/m ³ not to be exceeded on more than 20 days per calendar year averaged over three years ²	2010
2. Target value for the protection of vegetation	AOT40, calculated from 1h values from May to July	17000 µg/m ³ .h averaged over five years ²	2010

¹ Compliance with target values will be assessed as of this date. That is, 2010 will be the first year the data for which is used in calculating compliance over the following three or five years, as appropriate.

² If the three or five year averages cannot be determined on the basis of a full and consecutive set of annual data, the minimum annual data required for checking compliance with the target values will be as follows:

- for the target value for the protection of human health: valid data for one year
- for the target value for the protection of vegetation: valid data for three years.

Comment: there is either the possibility to have less exceedance years or to have an average over one year for health – two different ways to raise the level of ambition

III. Long-term objectives for ozone

	Parameter	Long-term objective	<u>Year by which the Long-Term objective</u>
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		not to be exceeded	<u>must be attained</u> ¹
1. Long-term objective for the protection of human health	Highest 8-hour mean within a calendar year, calculated from hourly running 8-hour averages	120 µg/m ³	<u>2020</u>
2. Long-term objective for the protection of vegetation	AOT40, calculated from 1h values from May to July	6 000 µg/m ³ .h	<u>2020</u>

Justification:

The introduction of a target date for the achievement of LTOs is intended to clarify the ultimate goal of the legislation.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a European Parliament and Council directive relating to ozone in ambient air (COM(1999) 125 – C5-0048/1999 – 1999/0068(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(1999) 125¹),
 - having regard to Article 251(2) and Article 175(1) of the EC Treaty pursuant to which the Commission submitted the proposal to Parliament (C5-0048/1999),
 - 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 and the opinion of the Committee on Industry, External Trade, Research and Energy)) (A5-0062/2000),
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.

¹ OJ C not yet published.

EXPLANATORY STATEMENT

1. Introduction

The objective of the Community's Fifth Environmental Action Programme with regard to acidification and ground-level ozone is clear: no exceedance of critical loads and levels should ever take place. The aim is to raise standards of air quality so that people throughout the European Union are protected effectively against health risks from air pollution.

In December 1995 the Environment Council invited the Commission to develop an Acidification Strategy. This was presented in March 1997. The Council and the European Parliament supported the method for technical assessment (the RAINS model) used to calculate national emission ceilings, and agreed that setting limits in this way was an effective and flexible means of achieving emission reduction. The Commission also devised a strategy for tackling ground-level ozone, and since the problems of acidification and ozone are inter-related these two strategies have been merged to produce an integrated strategy. The Commission proposal for a Directive relating to ozone in ambient air is an interim step towards the goal of curbing exceedance of critical levels for ground-level ozone.

2. The Problem

Ozone, or summer smog, is produced when sunlight causes a reaction between carbon monoxide, methane, and non-methane hydrocarbons in the presence of nitrogen oxides (NOX) and volatile organic compounds (VOC). The pollutants stem from a variety of human sources, notably automobiles, as well as some natural sources. Ozone makes a sweetish-pungent smell familiar from the arc of electric motors. It is also emitted by lightning storms and by devices such as laser printers. Ground-level ozone has an adverse effect on human health, materials and ecosystems.

The short-term health effects of ozone are more closely related to the length of exposure than to brief concentrations, and can be made much worse by the presence of other pollutants. Acute health effects include eye, nose and throat irritation, chest discomfort, coughs and headaches. These have been associated with hourly ozone levels of about 200 $\mu\text{g}/\text{m}^3$. Ozone also contributes to asthmatic attacks, impaired lung function and increased bronchial reactivity.

The effects of long-term chronic exposure to ozone are poorly documented but studies suggest that current ambient levels in most of Europe's bigger cities are sufficient to cause premature ageing of lungs.

Ozone also contributes to the damage of buildings and materials such as paint, textile, rubber and plastics. Works of art are especially sensitive to the effects. In the case of crops and some sensitive plant species, exposure to ozone can result in leaf damage and loss of production.

3. Content of the Commission's proposal

The Air Quality proposal for ozone in ambient air is the third proposal for a daughter directive under the air quality framework Directive¹. It sets long-term objectives (LTOs) and interim target values (TV) for ozone in ambient air ; introduces a framework of standards to protect human health and the environment ; requires Member States to monitor ozone concentrations ; and requires them also to report the results to the public. The Directive will provide a benchmark for the levels of ozone in ambient air.

In setting **Long-Term Objectives (LTO)** the Commission proposes to use the 1997 World Health Organisation air quality guidelines. The ultimate aim is to prevent these long-term objectives being exceeded, and thereby avoid harmful effects on human health and the environment. However, the Commission's proposals do not set a date by which this should be achieved.

As a first interim step **Target Values (TV)** are set. The aim is to achieve these, so far as possible, by 2010. These are also based on the WHO guidelines but accept that these will be exceeded on a number of days each year.

Long-Term Objectives (based on WHO 1997 air quality guidelines) and Target Values for ozone²:

Protection of	Long-term objectives (LTOs)	Target Value (TV)		
		Human health	120 µg/m ³ as an 8-hour mean	120 µg/m ³ as an 8-hour mean not to be exceeded on more than 20 days per calendar year ³
Vegetation	AOT40* = 6000 µg/m ³ hours	AOT40* of 17000 µg/m ³ hours	Average over 5 years	

*AOT40 means the accumulation of the difference between hourly concentrations greater than 80 µg/m³ (= 40 parts per billion) and 80 µg/m³ using only the 1 hour values measured between 8.00 hrs. and 20.00 hrs Central European Time each day from May to July.

According to the Commission, the proposal will by 2010 significantly reduce the proportion of the Community's population and surface area exposed to exceedances of the critical levels for tropospheric ozone. The aim is to achieve a 66% reduction of exceedances of the 120 µg/m³ threshold, from 60 days to 20 days. The target for vegetation-related ozone exposure is a reduction of at least 33%.

The Commission has also proposed measures for the management of ozone 'hot spots'. A '**general alert threshold**' (240 µg/m³ hours) is suggested for the general public, and a lower '**information threshold**' (180 µg/m³ hours), for sensitive parts of the population.

The proposal calls for for the public to be supplied **with regular information** about ozone levels, with indications being given when concentrations exceed the Long-Term Objectives, the Target Values, the general alert threshold and the information threshold. Member States are also required to **monitor ozone concentrations** and to report the results to the public.

¹ OJ L 296, 21.11.1996, p. 55 (Council Directive 1996/62/EC).

² Source: COM(1999) 125.

The Commission intends to **review the implementation** of this directive in 2004 and consider whether further progress could be made towards meeting the long-term objectives.

4. Comments

The proposed directive is an important step towards attaining the ultimate goal set out in the fifth Environmental Action Programme of no exceedance ever of critical levels of ozone in ambient air.

The Rapporteur supports the Commission's key objectives and in particular the **Target Values** proposed. He does not recommend that any departure be made from WHO guidelines. Nor does he seek a reduction in the permitted number of days of exceedance. In summary, he believes the core proposals are challenging but attainable.

However, the Rapporteur would like to see an unambiguous date – without the phrase "attained as far as possible" - set for the achievement of the target values for ozone in the year 2010, and also proposes that a specific date, the year 2020, be set for the achievement of the Long-term Objectives.

In making these proposals the Rapporteur points out that the Commission proposal does not take account of changes which may result from the Community's climate change commitments. These call for an 8% reduction in a basket of greenhouse gases. Success in meeting these commitments should enable Member States to be more ambitious regarding targets values for the reduction of ozone levels. Action taken by the accession countries to comply with EC air quality legislation should further serve to increase the ability of Member States to achieve ambitious ozone targets.

The Rapporteur has tabled amendments intended to encourage Member States to develop and implement programmes of short-term palative measures. Proposals are also made to bolster transparency and assist enforcement of the proposals through increased public scrutiny. An attempt is made to meet the concern of Member States regarding potential criticism if, despite their best endeavours, required reductions in ozone levels are not achieved due to inaction by neighbouring states.

With regard to the short-term action plans, the Rapporteur calls on Members States to keep the Commission fully briefed about action being taken, and to encourage dialogue with the public and organisations representing the interests of sensitive population groups.

4 February 2000

OPINION

(Rule 162 of the Rules of Procedure)

for the Committee on the Environment, Public Health and Consumer Policy

on the proposal for a European Parliament and Council directive relating to ozone in ambient air (COM(1999) 125 – C5-0048/1999 – 1999/0068(COD)) (report by Chris Davies)

Committee on Industry, External Trade, Research and Energy

Draftsman: Werner Langen

PROCEDURE

At its meeting of 4 October 1999 the Committee on Industry, External Trade, Research and Energy appointed Werner Langen draftsman.

It considered the draft opinion at its meetings of 23 November 1999, 27 January and 1 February 2000.

At the last meeting it adopted the following conclusions by 40 votes to 4, with no abstentions.

The following were present for the vote: Carlos Westendorp y Cabeza, chairman; Renato Brunetta and Peter Michael Mombaur, vice-chairmen; Werner Langen, draftsman; Konstantinos Alyssandrakis, Alexandros Baltas, Guido Bodrato, Giles Bryan Chichester, Nicholas Clegg, Dorette Corbey (for Claude J.-M.J. Desama), Willy C.E.H. De Clercq, Harlem Désir, Jonathan Evans (for Anders Wijkman), Concepció Ferrer, Francesco Fiori (substitute), Colette Flesch, Jacqueline Foster (for Alain Lamassoure), Pat the Cope Gallagher, Norbert Glante, Michel Hansenne, Malcolm Harbour, Bashir Khanbhai (for Konrad K. Schwaiger), Bernd Lange (for Glyn Ford), Rolf Linkohr, Eryl Margaret McNally, Nelly Maes, Erika Mann, Marjo Tuulevi Matikainen-Kallström, Angelika Niebler, Hervé Novelli (for Christos Folias), Barbara O'Toole (for Simon Francis Murphy), Reino Kalervo Paasilinna, Yves Piétrasanta, Elly Plooij-van Gorsel, John Purvis, Alexander Radwan (for Godelieve Quisthoudt-Rowohl), Imelda Mary Read, Mechtild Rothe, Christian Foldberg Rovsing, Paul Rübig, Umberto Scapagnini, Ilka Schröder, Esko Olavi Seppänen, Astrid Thors, Claude Turmes (for Nuala Ahern), Jaime Valdivielso de Cué and W.G. van Velzen.

BACKGROUND

The Fifth Community Programme of policy and action in relation to the environment and sustainable development, adopted by the Council of the European Union on 1 February 1993 on the basis of Article 174 of the EC Treaty, recommends the establishment of long-term air quality objectives, by amending existing legislation on air pollutants. The goal of no exceedance of critical loads and levels was set out in this Fifth Environmental Action Programme and endorsed by the Council and Parliament in their Decision of 24 September

1998.

The objective is to protect human health from the effects of emissions, including the ozone load. A reduction of emissions in the atmosphere should protect plants, ecosystems and the environment as a whole so as to prevent adverse effects on humans. The transboundary nature of pollutants requires joint action to be taken by the Union to deal with this problem.

The Commission has therefore drawn up a proposal for a directive relating to ozone in ambient air. Implementation of the directive should ensure that pollution from tropospheric ozone concentrations affecting the population is considerably reduced by 2010. The ozone load which is detrimental to health is to be reduced, i.e. the number of days on which the load is above the critical value of $120 \mu\text{g}/\text{m}^3$ (guide value of the World Health Organisation (WHO)) is to be reduced to 20. The ozone exposure levels for vegetation are thus to be reduced by 20%.

$120 \mu\text{g}/\text{m}^3$ as the 8-hour mean is to be introduced as the long term objective (LTO). The information threshold of $180 \mu\text{g}/\text{m}^3$ is to be confirmed and a more stringent alert threshold of $240 \mu\text{g}/\text{m}^3$ hourly average (previously $360 \mu\text{g}/\text{m}^3$) is to be introduced.

The proposal relating to ozone in ambient air is the third proposal for a daughter directive under the Air Quality Framework Directive.

Tropospheric ozone pollution exceeds tolerance limits in many areas of the Community and some sectors of the population and the natural ecosystems suffer as a result of this exposure. Taken together with the legal provisions already in existence or planned, in particular in the transport sector, the Commission proposal for a directive on national emission ceilings should considerably improve the situation by 2010, by comparison with that in 1990. Health-related ozone exposure is to be reduced by all the measures by 75% (human health) or 50% (vegetation). The number of days on which the World Health Organisation (WHO) guide values are exceeded is to be reduced from over 60 to 20, and thus made much more stringent. The Commission wishes to achieve this objective by introducing national emission ceilings which should permit consistent and cost-effective action by the Community.

The Commission has submitted the proposal for a directive relating to ozone in ambient air together with a proposal for a directive on national emission ceilings for certain atmospheric pollutants and has made a combined calculation of the costs and the financial benefit of these proposals. The problem of acidification by SO_2 , NO_x , VOC and NH_3 and the ozone problem are closely linked which is why the strategies have been combined. The Commission estimates the costs of implementing the proposals at EUR 7.5 billion up to 2010. The basis for the calculation is a limited list of typical options for limiting emissions, taking into account the conditions specific to countries and situations.

Lower emissions of SO_2 , NO_x , VOC and NH_3 and ozone concentrations will, according to the Commission, have positive effects on human health, materials and buildings, the cultural heritage, crops, forests and terrestrial and aquatic ecosystems.

ASSESSMENT OF THE COMMISSION PROPOSAL

The proposal for a directive is to replace the current ozone directive, 92/72/EEC. The current ozone directive has threshold values for informing and alerting the population. However, if

they are exceeded no measures yet have to be taken to reduce ozone precursors.

New aspects of this directive are the introduction of a long-term target value of $120 \mu\text{g}/\text{m}^3$ over an 8-hour mean, the introduction of a medium-term objective, that may be exceeded on only 20 days a year, also of $120 \mu\text{g}/\text{m}^3$, confirmation of the previous information threshold of $180 \mu\text{g}/\text{m}^3$ and the introduction of a more stringent alert threshold of $240 \mu\text{g}/\text{m}^3$ when levels are exceeded for one hour. In the directive currently in force this threshold is $360 \mu\text{g}/\text{m}^3$. When the alert threshold is exceeded short-term measures are to be taken by the Member States if they allow the length and severity of the smog periods to be reduced. These proposals must be assessed on the basis of criteria for effectiveness, feasibility for implementation, scientific relevance in terms of cause and effect and the anticipated costs or effects on the competitiveness of European industry. In general terms it is to be welcomed that the proposal takes the opportunity to implement short term measures during the summer smog period throughout Europe. Another welcome feature is the reduction of the alert threshold which already applied in certain Member States. By harmonising the measures during the summer smog period it is possible to guarantee maximum success. Community-wide action against the air pollutants responsible for acidification, tropospheric ozone and eutrophication is clearly relevant in environmental terms. EU-wide harmonisation is sensible on competition grounds. Efforts should be made to optimise costs in measures to reduce emissions. A reduction of measurement and reporting costs, close links between short and long-term reduction measures because of the transfrontier nature of ozone pollution problems, creating a balance with other spheres of activity of the EU, in particular the common agricultural policy, and ensuring comparable initial conditions when assessing environmental pollution in the Member States must all be guaranteed.

During the consultation of European associations and also during the scientific discussions there were many unanswered questions concerning the proposed target values. UNICE questioned the long-term objective and the scientific basis from which the WHO derived its guideline values (see Commission document of 9 June 1999). UNICE and many other European specialist associations would prefer less stringent target values but with stricter requirements for complying with the higher value and they question the scientific derivation of the target value. Questions have also been raised concerning the inclusion of the effects of ozone on mortality in the estimation of the monetary benefits of meeting proposed targets and values.

While the Commission uses the currently available scientific recommendations as justification for the ozone directive, questions remain in particular with regard to ground-level ozone and the associated measures for limiting road traffic during periods of summer smog. The German federal environment office has produced results indicating that at best the summer smog plan can produce a reduction of ozone peaks of up to 10%.

Biological sources of ozone, the import of ozone and ozone precursor substances from neighbouring countries with less stringent environmental protection standards and the intrusion of stratospheric ozone into air at ground level all play a significant role. According to scientific analyses in central Europe during the summer months at present 60% of ozone concentrations of over $200 \mu\text{g}/\text{m}^3$ are determined by horizontal movement of ozone-rich air masses from other areas. Ozone concentrations can thus now be influenced by national measures only to a limited extent. Only wide-ranging measures, covering at least Europe, can produce reductions in ozone levels. This provides proof that it was fundamentally correct to choose an approach of ambitious legislation on emissions for road traffic within the European

Union to bring about progress. This trend will continue over the next ten years. Current successes are already proven in that the ozone peaks in the 1970s in many European states were considerably higher than in recent years. It is not clear what the effect of lower threshold values will be on competitiveness and jobs. Consideration should also be given to whether the values of 120 µg/m³ included in the new ozone directive are too low and whether the planned drastic cuts in traffic movements and production in the event of exceedance can still be seen as relative. An increase in the target value to one comparable with that used in the USA should be aimed at in the interests of competitiveness. According to current information this value is to be 160 µg/m³ for the USA. Only Japan, with its high population density, is so far prepared to aim at the WTO target value.

Annex I should be amended accordingly.

CONCLUSIONS

Having regard to the Commission proposals for a directive of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants and for a directive of the European Parliament and of the Council relating to ozone in the ambient air the Committee on Industry, External Trade, Research and Energy calls on the Committee on the Environment, Public Health and Consumer Policy, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission

Amendments by Parliament

(Amendment 1)
Recital 12

(12) The transboundary nature of ozone pollution may require certain coordination between neighbouring Member States in drawing up and implementing action plans and in informing the public

(12) The transboundary nature of ozone pollution requires coordination between neighbouring Member States and applicant countries in drawing up and implementing action plans and in informing the public

Justification:

Air pollution pays no respect to national boundaries. To achieve improvements in air quality the involvement of the maximum number of neighbouring states is desirable.

(Amendment 2)
Article 1, Objectives
paragraph (e) (new)

(e) to ensure increased cooperation between the Member States in reducing ozone levels and use of the potential of and agreement on transboundary measures;

(Amendment 3)
Article 3, Target values paragraph 1

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| <p>1. The target values to be achieved by 2010 in respect of ozone concentrations in ambient air are those set out in Section II of Annex I.</p> | <p>1. The target values to be achieved by 2010, <u>2020 and 2030</u> in respect of ozone concentrations in ambient air are those set out in Section II of Annex I.</p> |
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(Amendment 4)
Article 4, Long-term objectives paragraph 2

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| <p>2. Member States shall draw up a list of the zones and agglomerations in which the levels of ozone in ambient air, as assessed in accordance with Article 9, are higher than the long-term objectives <u>referred to in paragraph 1 but below or equal to the target values set out in Section II of Annex I.</u> Within such zones and agglomerations Member States shall implement measures with the aim of achieving the long-term objectives as far as possible.</p> | <p>2. Member States shall draw up a list of the zones and agglomerations in which the levels of ozone in ambient air, as assessed in accordance with Article 9, are higher than the long-term objectives <u>from 2020 onwards.</u> Within such zones and agglomerations Member States shall implement measures with the aim of achieving the long-term objectives as far as possible.</p> |
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(Amendment 5)
Article 10(3)aa (new)

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|---------------------------------|---|
| <p>3. The Commission shall:</p> | <p>3. The Commission shall:
<u>(aa) publish the information submitted by Member States in a form that enables direct comparison between the performance of Member States.</u></p> |
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Justification:

This new clause seeks to bolster transparency and also enforcement of this Directive through facilitating public scrutiny.

(Amendment 6)
Annex I, Table II, Target values for ozone

	Parameter	Target value	<u>Not to be exceeded on more than ... (averaged over 3</u>	Year by which the target value must be attained as far as

			years)	possible
1. Target value for the protection of human health	Highest 8-hour mean within one day, calculated from hourly running 8-hour averages.	120 $\mu\text{g}/\text{m}^3$	<u>40 days</u>	<u>2010</u>
		120 $\mu\text{g}/\text{m}^3$	<u>20 days</u>	<u>2020</u>
		120 $\mu\text{g}/\text{m}^3$	<u>0 days</u>	<u>2030</u>
2. Target value for the protection of vegetation	AOT 40, calculated from 1h values from May to July	17000 $\mu\text{g}/\text{m}^3$	/	<u>2010</u>
		<u>11500 $\mu\text{g}/\text{m}^3$</u>	/	<u>2020</u>
		<u>6000 $\mu\text{g}/\text{m}^3$</u>	/	<u>2030</u>