

WRITTEN QUESTION E-2866/07

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to the Commission

Subject: Infringement, in Frankfurt/Main-Höchst, of the obligation to reduce NO<sub>2</sub> limit values in accordance with Directive 1999/30/EC and plans to create additional emissions

The official air-quality monitoring station of Frankfurt/Main-Höchst measured an annual average value of 47 µg/m<sup>3</sup> of NO<sub>2</sub> for 2006. According to Annex II, No. I (limit values) of Directive 1999/30/EC<sup>1</sup> emissions must be reduced to below this level in 2007. However, the values measured in the first few months of 2007 suggest that no improvement is to be expected before 1 January 2008. According to the authorities, without reduction measures the limit value of 40 µg/m<sup>3</sup> cannot be achieved even by 2010. In Frankfurt/Main-Höchst the firm T2R has commissioned the construction of a new waste incineration plant with a planned incineration capacity of 700,000 tonnes of waste per year, which would create 1,200 additional tonnes of NO<sub>2</sub> emissions. This means an additional 1.9 µg/m<sup>3</sup> of NO<sub>2</sub> emissions for Frankfurt/Main-Höchst. The start of building work has already been approved and authorisation in the context of emission protection will follow in August 2007.

1. Is the Commission aware that the obligation to reduce the annual limit values for NO<sub>2</sub> laid down in Directive 1999/30/EC is being ignored by the authorising body of the Bundesland in Frankfurt/Main-Höchst, since it has approved the construction of a new waste incineration plant that will cause air pollution? Does the Commission consider the authorising body's behaviour to be compatible with the Directive in that it has authorised the construction of a new waste incineration plant in Frankfurt/Main-Höchst, although it will exceed the limit value for NO<sub>2</sub> and is expected to cause additional pollution of between 1.0 and 1.9 µg/m<sup>3</sup> of NO<sub>2</sub> (according to the planning documents), justifying its decision on the basis of the '3%-irrelevance threshold' laid down in the German 'Technical Instruction for Clean Air'?
2. Does the Commission take the view that the authorities at all levels should, as a matter of urgency immediately introduce drastic reduction measures in this field pursuant to Article 4, paragraph 1 of Directive 1999/30/EC and prevent further additional pollution?
3. Will the Commission examine the Frankfurt/Main-Höchst case and initiate infringement proceedings against Germany on the grounds of non-compliance by the authorities with the obligation to reduce emissions?

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<sup>1</sup> OJ L 163, 29.6.1999, p. 41.