



COMMISSION OF THE EUROPEAN COMMUNITIES

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94/0106 (SYN)

COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT

pursuant to the first subparagraph of Article 189 c (b) of the EC-Treaty

Common position of the Council on the
proposal for a Council Directive on
ambient air quality assessment and management

1. Procedure

- The proposal (COM(94) 109 final 94/0106 SYN of 4 July 1994) was sent to the Council and Parliament on 4 July 1994. (OJ No C 216, 16.8.1994, p. 4).
- The Economic and Social Committee adopted its opinion on 23 February 1995 (OJ C 110, 2.5.1995, p. 5).
- The European Parliament delivered its opinion on a first reading on 16 June 1995.
- The Commission presented an amended proposal (COM(95) 312) and sent it to the Council on 6.7.95 (OJ C 28, 13.9.1995).
- At its 1873 meeting on 30.11.1995, the Council unanimously adopted a common position on the Directive.

2. Aim of the Directive

To establish a Community framework for ambient air quality assessment and management; to define principles for:

- laying down ambient air quality objectives in the European Union;
- uniformly assessing air quality;
- ensuring public information;
- maintaining or improving air quality.

3. Commission position on the Council's common position

3.1 General remarks

The Commission has incorporated fully, partially or in principle 24 of the 37 amendments to the proposal requested by Parliament; 14 of these 24 amendments have been fully or partially incorporated into the common position.

The common position includes amendments 5, 7, 8, 10, 11 (Article 4), 13, 14, 15 (Article 7), 18 (Article 8), 19 (Article 9), 20 (Article 10), 28 (Annex I), 35 (Annex II) and 36 (Annex III).

3.2 *Specific remarks*

(A) Parliament's amendments accepted by the Commission and incorporated into the common position

- inclusion in Article 4 of an additional provision for revising limit values and alert thresholds;
- introduction of a new recital concerning the need for studies on the combined action of pollutants and climate;
- addition of the term "sampling" in the third indent of Article 4(2);
- introduction of a new recital on the role of the European Environment Agency in the implementation of the Directive;
- introduction of a further recital on the coherence of the measures taken pursuant to the Directive with those envisaged under the Directive on integrated pollution control;
- inclusion of an additional paragraph in Article 7 making reference to short-term measures including the suspension of activities where there is a risk of exceeding the limit values, and/or alert thresholds;
- inclusion of PM 10 particles in Annex I.

(B) Parliament's amendments accepted by the Commission but not included in the common position

The ten Parliament amendments accepted by the Commission which have not been included in the common position basically cover three points:

- introduction of a third list of pollutants to be examined at a second stage;
- shortening of the deadlines for proposals relating to carbon monoxide and benzene.
- shortening of deadlines for drawing up and transmitting plans for improving air quality.

The first two points were not accepted since the Directive provides for the possibility of laying down limit values for other substances.

The third point was considered impossible for the Member States to implement in practice.

(C) New elements introduced by the Council

- Although the principle of classifying areas according to their air quality was maintained, the actual definitions of the areas were abandoned.
- The concept of "target value" was introduced for ozone (only) owing to the particular nature of that pollutant.
- A definition of the term "built-up area" was introduced.
- A list of factors to be taken into account for setting limit values/alert thresholds was added (new annex).
- A provision was introduced to make available preliminary data on the levels of pollutants before the entry into force of the specific directives provided for in the Directive.
- The principle of maintaining air quality in areas where the levels are below the limit value was introduced.
- The proposed advisory committee was replaced by a type III regulatory committee mainly responsible for adaptation to scientific and technical progress and for essentially technical tasks.

The Commission accepted all these changes which are compatible with the objectives of the Directive.