



# Air Quality (1) Key tips



- Limit values = source of individual rights (ECJ, case C-361/88 of 30 May 1991, Commission v. Germany).
- Limit values apply everywhere
- Limit values for  $PM_{10}$  and  $SO_2$  are mandatory as from 1st January 2005!
- Target values = to be achieved where possible

# Air Quality (2) Legal sources

- Framework Directive = Directive 96/62: key obligations applying to all pollutants (preliminary assessment, designation of competent authorities, zones and agglomerations, measurement and/or modelling, public information, plans and programs, reports to the Commission)
- Directive 99/30: limit values for PM<sub>10</sub>, NO<sub>x</sub>, SO<sub>2</sub> and lead
- Directive 2000/69: limit values for benzene and CO
- Directive 2002/3: Ozone (target values, alert and information thresholds, long-term objective)
- Directive 2004/107: heavy metals and PAH (target values)

# Air Quality (3)

## Health issue: citizens complain!

### Source of complaints in current MSs:

- Failure to measure concentrations
  - Failure to inform the public
- Failure to establish plans and programmes
- Lack of penalties (must be effective, proportionate and dissuasive)
  - ...and from 2005, compliance with the limit values!

# Air Quality (4) Compliance checklist

- Make sure that the concentration levels are assessed (by measuring or modelling) for all the regulated pollutants in all zones and agglomerations; don't forget that measurement is mandatory in all agglomerations.
- Ensure up-to-date and regular information of your citizens (and don't forget to report to the Commission)
- Draw up the list of zones and agglomerations for which a plan or program is required (= those in which one or more pollutant exceed limit values + margin of tolerance);
- Establish the plans and programs for attaining the limit values, and « target » your plan in accordance with the specific sources of pollution: complying with the limit values may be difficult, but you will be much more vulnerable to legal challenge if you don't even try!