Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants

DIRECTIVE 2001/81/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 23 October 2001

on national emission ceilings for certain atmospheric pollutants

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the Opinion of the Economic and Social Committee[(2)],

Having regard to the Opinion of the Committee of the Regions[(3)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(4)], in the light of the joint text approved by the Conciliation Committee on 2 August 2001,

Whereas:

(1) The general approach and strategy of the Fifth Environmental Action Programme was approved by the Resolution of 1 February 1993 of the Council and the Representatives of the Governments of the Member States meeting within the Council on a Community programme of policy and action in relation to the environment and sustainable development[(5)] and it sets as objectives that critical loads and levels for acidification in the Community are not to be exceeded. The programme requires that all people should be effectively protected against health risks from air pollution and that permitted levels of pollution should take account of the protection of the environment. The programme also requires that guideline values from the World Health Organisation (WHO) should become mandatory at Community level.

(2) The Member States have signed the Gothenburg Protocol of 1 December 1999 to the United Nations Economic Commission for Europe (UNECE) Convention on long-range transboundary air pollution to abate acidification, eutrophication and ground-level ozone.

(3) Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability'[(6)] specified that particular attention should be given to developing and implementing a strategy with the goal of ensuring that critical loads, in relation to exposure to acidifying, eutrophying and photochemical air pollutants, are not exceeded.

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(4) Council Directive 92/72/EEC of 21 September 1992 on air pollution by ozone[7] requires the Commission to submit to the Council a report on the evaluation of photochemical pollution in the Community, accompanied by any proposals the Commission deems appropriate on the control of air pollution by ground-level ozone and, if necessary, on reducing emissions of ozone precursors.

(5) Significant areas of the Community are exposed to depositions of acidifying and eutrophying substances at levels which have adverse effects on the environment. The WHO guideline values for the protection of human health and vegetation from photochemical pollution are substantially exceeded in all Member States.

(6) The exceedance of critical loads should therefore be gradually eliminated and guideline levels respected.

(7) At present it is not technically feasible to meet the long-term objectives of eliminating the adverse effects of acidification and reducing exposure to ground-level ozone of man and the environment to the guideline values established by the WHO. It is therefore necessary to provide for interim environmental objectives for acidification and ground-level ozone pollution, on which the necessary measures to reduce such pollution are to be based.

(8) Interim environmental objectives and the measures to meet them should take account of technical feasibility and the associated costs and benefits. Such measures should ensure that any action taken is cost-effective for the Community as a whole and should take account of the need to avoid excessive costs for any individual Member State.

(9) Transboundary pollution contributes to acidification, soil eutrophication and ground-level ozone formation, the abatement of which requires coordinated Community action.

(10) Reducing emissions of the pollutants causing acidification and exposure to ground-level ozone will also reduce soil eutrophication.

(11) A set of national ceilings for each Member State for emissions of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia is a cost-effective way of meeting interim environmental objectives. Such emission ceilings will allow the Community and the Member States flexibility in determining how to comply with them.

(12) Member States should be responsible for implementing measures to comply with national emission ceilings. It will be necessary to evaluate progress towards compliance with the emission ceilings. National programmes for the reduction of emissions should therefore be drawn up and reported on to the Commission and should include information on the measures adopted or envisaged to comply with the emission ceilings.

(13) In accordance with the principle of subsidiarity as set out in Article 5 of the Treaty and taking account, in particular, of the precautionary principle, the objective of this Directive, namely limitation of emissions of acidifying and eutrophying pollutants and ozone precursors, cannot be sufficiently achieved by the Member States because of the transboundary nature of the pollution and can therefore be better achieved by the Community; in accordance with the principle of proportionality this Directive does not go beyond what is necessary to achieve that purpose.

(14) There should be a timely review of the progress made by Member States towards the emission ceilings, as well as a review of the extent to which implementing the ceilings is likely to meet interim environmental objectives, for the Community as a whole. Such review should consider also scientific and technical progress, developments in Community legislation and emission reductions outside the Community with special regard to progress made inter alia by the accession candidate countries. In that review, the Commission should undertake a further examination of the costs and benefits of the emission ceilings, including their cost-effectiveness, marginal costs and benefits and socio-economic impact and any impact on competitiveness. The review should also consider the limitations on the scope of this Directive.

(15) The Commission should for this purpose prepare a report to the European Parliament and the Council and, if it considers it necessary, propose appropriate amendments to this Directive taking account of the effects of any relevant Community legislation *inter alia* setting emission limits and product standards for relevant sources of emissions and international regulations concerning ship and aircraft emissions.

(16) Sea transport is a significant contributor to emissions of sulphur dioxide and nitrogen oxides and also to concentrations and depositions of air pollutants in the Community. Such emissions should therefore be reduced. Article 7(3) of Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC[(8)] requires the Commission to consider which measures could be taken to reduce the contribution to acidification of the combustion of marine fuels other than those specified in Article 2(3) of that Directive.

(17) Member States should seek to ratify Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL) as soon as possible.

(18) Owing to the transboundary nature of acidification and ozone pollution, the Commission should continue to examine further the need to develop harmonised Community measures, without prejudice to Article 18 of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control[(9)], with the aim of avoiding distortion of competition, and taking into account the balance between benefits and cost of action.

(19) The provisions of this Directive should apply without prejudice to the Community legislation regulating emissions of those pollutants from specific sources and to the provisions of Council Directive 96/61/EC in relation to emission limit values and use of best available techniques.

(20) Emission inventories are necessary to monitor progress towards compliance with the emission ceilings and must be calculated in accordance with internationally agreed methodology and reported on regularly to the Commission and the European Environment Agency (EEA).

(21) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.

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(22) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(10)].

(23) The Commission and Members States should cooperate internationally with a view to achieving the objectives of this Directive,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective

The aim of this Directive is to limit emissions of acidifying and eutrophying pollutants and ozone precursors in order to improve the protection in the Community of the environment and human health against risks of adverse effects from acidification, soil eutrophication and ground-level ozone and to move towards the long-term objectives of not exceeding critical levels and loads and of effective protection of all people against recognised health risks from air pollution by establishing national emission ceilings, taking the years 2010 and 2020 as benchmarks, and by means of successive reviews as set out in Articles 4 and 10.

F1 Article 2

[F1 Scope

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Textual Amendments

F1 Deleted by Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance).

F1 Article 3

Definitions]

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Textual Amendments

F1 Deleted by Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance).

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Article 4

National emission ceilings

1 By the year 2010 at the latest, Member States shall limit their annual national emissions of the pollutants sulphur dioxide (SO_2), nitrogen oxides (NO_x), volatile organic compounds (VOC) and ammonia (NH_3) to amounts not greater than the emission ceilings laid down in Annex I, taking into account any modifications made by Community measures adopted following the reports referred to in Article 9.

2 Member States shall ensure that the emission ceilings laid down in Annex I are not exceeded in any year after 2010.

F1 Article 5

[F1 Interim environmental objectives

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Textual Amendments

F1 Deleted by Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance).

F1 Article 6

National programmes

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Textual Amendments

F1 Deleted by Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance).

F1 Article 7

[F1 Emission inventories and projections

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Textual Amendments

F1 Deleted by Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance).