II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/72/EEC

of 21 September 1992

on air pollution by ozone

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

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

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the 1987 fourth Community action programme on the environment (4) provides for the possibility of action on photochemical pollution, and in particular pollution by ozone, in view of its harmful effects and the state of knowledge concerning its impact on human health and the environment;

Whereas, in order to protect human health, ozone concentrations in the air should be limited; whereas scientific and technical information needs to be utilized and promoted in order to obtain wider knowledge of this form of pollution and, in future, take effective and appropriate measures to reduce it;

Whereas as complete a knowledge as possible of ozone pollution levels is required in all Member States;

Whereas to obtain this knowledge it is necessary to set up measurement stations to provide data on ozone concentrations in the air;

Whereas in order to obtain results which are comparable in the context of this Directive, the methods used by Member States to determine concentrations need to be equivalent;

Whereas, in view of the special nature of photochemical pollution, the reciprocal exchange of information between Member States and the Commission including, once it is effectively set up, the European Environment Agency (5), is essential for a better understanding of the problem;

Whereas the setting of information or warning thresholds at which precautions should be taken by the public will make it possible to limit the impact of pollution episodes on health;

Whereas the numerical values of these levels should be based on the findings of work carried out in the framework of the World Health Organization (WHO), in particular as regards the dose-effect relationships established for the pollutant in question;

Whereas the information collected under this Directive should be regularly evaluated to make it possible to monitor the development of air pollution by ozone and the impact of national and Community provisions to reduce photochemical precursors and establish in the future new provisions concerning ozone and air quality; whereas such evaluation and information should be the subject of a report to be submitted by the Commission as soon as possible and by the end of a period of four years from the date of implementation of this Directive at the latest;

Whereas combating air pollution by ozone may also entail measures to reduce ozone precursors; whereas the Commission must therefore also submit, with the abovementioned report, proposals for controlling air

(1) OJ No C 192, 23. 7. 1991, p. 17.
(2) OJ No C 150, 15. 6. 1992, p. 228.
(3) OJ No C 49, 24. 12. 1992, p. 1.
(4) OJ No C 328, 7. 12. 1987, p. 1.

(5) OJ No L 120, 11. 5. 1990, p. 1.

pollution by ozone and, if necessary, reducing emissions of ozone precursors;

Whereas action by the Community and Member States against photochemical pollution should be coordinated in order for maximum effect to be achieved,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The purpose of this Directive is to establish a harmonized procedure:

— for monitoring,

— for exchanging information,

— for informing and warning the population,

with regard to air pollution by ozone in order to enable the competent authorities of the Member States and the Commission to obtain wider knowledge of this form of air pollution in the Community, optimize the action needed to reduce ozone formation and guarantee a minimum amount of public information where concentration thresholds as referred to in points 3 and 4 of Annex I are exceeded.

2. For the purposes of this Directive:

— *health protection threshold* means the ozone concentration value given in Annex I, point 1, which should not be exceeded if human health is to be safeguarded in the event of prolonged pollution episodes,

— *vegetation protection thresholds* means the ozone concentration values given in Annex I, point 2, beyond which vegetation may be affected,

— *population information threshold* means the ozone concentration value given in Annex I, point 3, beyond which there are limited, temporary effects on human health in the event of short exposure of particularly sensitive sections of the population and at which steps must be taken by the Member States as laid down in this Directive,

— *population warning threshold* means the ozone concentration value given in Annex I, point 4, beyond which there is a risk to human health in the event of short exposure and at which steps must be taken by the Member States as laid down in this Directive.

Article 2

Each Member State shall designate a body to inform the Commission and to coordinate the implementation of the harmonized procedure set out in Article 1 (1), and shall forthwith inform the Commission thereof.

Article 3

Member States shall where appropriate designate or establish measuring stations to supply the data necessary for the implementation of this Directive. The number and the location of these stations shall be determined by Member States in compliance with Annex II.

Article 4

1. For the measurement of ozone concentrations, Member States shall use:

— either the reference method specified in Annex V,

— or any other method of analysis shown to produce measurement results equivalent to those obtained using the reference method.

To this end, each Member State shall designate one or more laboratories responsible for evaluating the method used at national level in relation to the reference method in this Directive.

Furthermore, they shall organize at national level intercomparisons between laboratories taking part in the collection and analysis of the data.

2. Once the measuring stations have been established, Member States shall provide the Commission with the following information:

— the method used to determine ozone concentrations and, if it is different from the reference method in this Directive, proof of its equivalence with the latter,

— the geographical coordinates of the measuring stations, a description of the area covered by the stations, and the site-selection criteria,

— the results of any indicative measurement programmes carried out under the provisions of Annex II, point 2.

3. The Commission may organize, on a Community scale, intercomparison programmes between laboratories referred to in paragraph 1.

Article 5

In the event of the values given in Annex I, points 3 and 4, being exceeded, the Member States shall take the necessary steps for the public to be informed (e.g. by means of radio, television and the press), in accordance with Annex IV.

Article 6

1. As from 1 January 1995, Member States shall provide the Commission with the following information no later than six months following the annual reference period:

— the maximum, the median and the 98th percentile of the mean values over one hour and eight hours recorded during the year in each measuring station; the percentiles shall be calculated in accordance with the method given in Annex III,

— the number, date and duration of periods during which the thresholds laid down in Annex I, points 1 and 2, are exceeded.

A Member State may additionally submit information based on percentile 99,9.

2. Where the information threshold laid down in Annex I, point 3, is exceeded in the course of a calendar month, Member States shall inform the Commission by the end of the following month at the latest, of:

— the date(s) of occurrence(s),

— the duration thereof,

— the maximum hourly concentration recorded during each occurrence.

3. Where the warning threshold laid down in Annex I, point 4, is exceeded in the course of a week (from Monday to the following Sunday), Member States shall inform the Commission, by the end of the following month at the latest, of:

— the date(s) of the occurrence(s),

— the duration,

— the maximum hourly concentration during each occurrence.

This information shall be supplemented by relevant data which might explain the reasons for the occurrence.

4. Where the data referred to in paragraphs 1, 2 and 3 are available in the Member States for periods preceding the date referred to in Article 9, Member States shall send them to the Commission at the latest when they send the data relating to the first reference period. The duration of the reference period shall not exceed five years.

5. All the data referred to in paragraphs 1 to 4 shall be forwarded by the Commission to the European Environment Agency as soon as it is operational.

Article 7

The Commission shall regularly, and in any event at least once a year, evaluate the data collected under this Directive. The findings of that evaluation shall be forwarded to the Member States.

In order to coordinate actions by the Community and the Member States against photochemical pollution, the Commission shall organize, together with Member States, which shall involve the responsible body referred to in Article 2, consultations on the problem of photochemical air pollution, relating in particular to:

— the development of ozone concentrations throughout the Member States and whether any of the episodes recorded are of a transboundary nature,

— measures and programmes planned by the Member States to reduce air pollution by ozone,

— experience and knowledge concerning the problem of photochemical pollution.

Article 8

As soon as possible and no later than the end of a four-year period following the implementation of this Directive, the Commission shall submit to the Council a report on the information collected and on the evaluation of photochemical pollution in the Community. This report shall be accompanied by any proposals the Commission deems appropriate on the control of air pollution by ozone and, if necessary, for reducing emissions of ozone precursors.

Article 9

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 18 months after its adoption. They shall forthwith inform the Commission thereof.

When Member States adopt such provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference at the time of their official publication. The procedures for making such a reference shall be laid down by the Member States.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 21 September 1992.

For the Council

The President

J. GUMMER