II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 21 June 1989

amending Directive 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates

(89/427/EEC)

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 European Communities' 1973 (4), 1977 (5), 1983 (6) and 1987 (7) action programmes on the environment put the accent on harmonization of the action taken to protect the environment and on the need to reduce the concentrations of the principal pollutants in the air to levels considered acceptable for protecting sensitive ecosystems;

Whereas Council Directive 80/779/EEC (8), as last amended by the 1985 Act of Accession, offers a choice between two methods of sampling and analysis and two sets of associated limit values;

Whereas Article 10 (4) of the abovementioned Directive requires the submission between July 1987 and July 1988, of proposals on this parallel application of two different sets of measurement methods and limit values;

Whereas these proposals must take account of the results of the parallel measurements referred to in Article 10 (3) and of the need to avoid discriminatory provisions;

Whereas the results of the parallel measurements have shown that the limit values set out in Annex I and Annex IV to this Directive do not correspond as regards their stringency;

Whereas some Member States apply the limit values in Annex I and others those in Annex IV;

Whereas this has led to the use of different methods of sampling which are difficult to compare;

Whereas it is essential to harmonize the measurement methods and whereas, therefore, reference methods or technical specifications for the analysis and sampling of sulphur dioxide and suspended particulates in the air must be defined and finalized;

Whereas the Member States have taken measures to observe the limit values in the exempted zones as soon as possible and by 1 April 1993 at the latest;

Whereas these measures are based on one or other of the two measurement methods and associated values laid down by Directive 80/779/EEC;

Whereas the dual approach for measuring suspended particulates in the air causes discrimination between Member States;

Whereas a two-stage review is needed to draft proposals to avoid this dual approach without calling into question completion of the measures already taken by the Member States to observe the limit values;

(1) OJ No C 254, 30. 9. 1988, p. 6.
(2) OJ No C 96, 17. 4. 1989, p. 189.
(3) OJ No C 56, 6. 3. 1989, p. 6.
(4) OJ No C 112, 20. 12. 1973, p. 1.
(5) OJ No C 139, 13. 6. 1977, p. 1.
(6) OJ No C 46, 17. 2. 1983, p. 1.
(7) OJ No C 328, 7. 12. 1987, p. 1.
(8) OJ No L 229, 30. 8. 1980, p. 30.