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COUNCIL DIRECTIVE
of 7 March 1985
on air quality standards for nitrogen dioxide

(85/203/EEC)

(OJ L 87, 27.3.1985, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive of 20 December 1985 (85/580/EEC)	L 372	36	31.12.1985
►**M2**	Council Directive of 23 December 1991 (91/692/EEC)	L 377	48	31.12.1991
►**M3**	Council Directive 1999/30/EC of 22 April 1999	L 163	41	29.6.1999

Amended by:

►**A1**	Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
	(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995

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COUNCIL DIRECTIVE

of 7 March 1985

on air quality standards for nitrogen dioxide

(85/203/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 235 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 programmes of action of the European Communities on the environment of 1973 [4], 1977 [5] and 1982 [6] provide that priority is to be given to measures against nitrogen dioxide because of its noxiousness and having regard to the current state of knowledge of its effects on human health and the environment;

Whereas insufficient technical and scientific information is available to enable the Council to lay down specific standards for the environment generally and whereas the adoption of limit values for the protection of human health will contribute to the protection of the environment as well;

Whereas any discrepancy between the provisions already applicable or being drawn up in the various Member States with regard to nitrogen dioxide in the air could give rise to unequal conditions of competition and could in consequence directly affect the functioning of the common market; whereas, therefore, the approximation of laws prescribed in Article 100 of the Treaty should be carried out in this area;

Whereas one of the basic tasks of the Community is to promote throughout the Community a harmonious development of economic activities and a continued and balanced expansion, which is inconceivable without an attack on pollution and nuisance or an improvement in the quality of life and the protection of the environment; whereas, since the Treaty has not provided the necessary powers, recourse must be had to Article 235 of the Treaty;

Whereas, in order to protect in particular human health and the environment, it is necessary to set for nitrogen dioxide a limit value which must not be exceeded in the territory of the Member States during specified periods and whereas this value should be based on the results of work carried out for the World Health Organization, particularly with regard to the dose/effect relationships established for this pollutant;

Whereas, despite the measures taken, it may not be possible to comply with the limit value in certain zones; whereas the Member States may be allowed temporary derogations on condition that they forward to the Commission plans for the gradual improvement of the quality of the air in these zones;

Whereas it is expected that the Council will shortly establish a further legal act enabling Member States to impose significantly lower limit values for exhaust gases from motor vehicles;

Whereas the measures taken pursuant to this Directive must be economically feasible and compatible with balanced development;

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(1) OJ No C 258, 27. 9. 1983, p. 3.
(2) OJ No C 337, 17. 12. 1984, p. 434.
(3) OJ No C 206, 6. 8. 1984, p. 1.
(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.