



STATUTORY INSTRUMENTS.

S.I. No. 10 of 2004 .

EUROPEAN COMMUNITIES (NATIONAL EMISSION CEILINGS)
REGULATIONS 2004.

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The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by Section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive 2001/81/EC¹ , hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the European Communities (National Emission Ceilings) Regulations 2004.

Entry into Force

2. These Regulations shall come into operation on the 26th day of January 2004.

Definitions

3. (1) In these Regulations:

“the Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Act, 1992 (No. 7 of 1992);

“the Commission” means the Commission of the European Communities;

“the Directive” means 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 Minister” means the Minister for the Environment, Heritage and Local Government;

“public authority” has the meaning assigned by the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“statutory undertaker” has the meaning assigned by the Planning and Development Act 2000 (No. 30 of 2000).

(2) In these Regulations—

(a) a reference to an article or sub-article which is not otherwise identified is a reference to an article or sub-article of these Regulations;

- (b) a reference to a Schedule which is not otherwise identified is a reference to a Schedule to these Regulations;
- (c) a letter, word, phrase or symbol which has been assigned a meaning by the Directive, or is used in the Directive, has that meaning where the context requires except where otherwise indicated.

Objective

4. These Regulations have as their aim the limitation of emissions of acidifying and eutrophying pollutants and ozone precursors in order to improve 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.

Scope

5. The Regulations cover emissions from all sources of the pollutants sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia, hereinafter referred to as “relevant pollutants”, which arise as a result of human activities with the exception of emissions from international maritime traffic and aircraft emissions beyond the landing and take-off cycle.

*National
Emission
Ceilings*

6. (1) Annual national emissions of the relevant pollutants shall, by 2010 at the latest, be limited to amounts not greater than the relevant emission ceilings in the Schedule.

(2) In any year after 2010 annual national emissions of the relevant pollutants shall not exceed the relevant emission ceilings in the Schedule.

(3) Relevant public authorities and statutory undertakers shall have regard to the national emission ceilings in the Schedule and the strategy provided for in article 7, and, when exercising any function in relation to activities and matters which could affect significantly, or are capable of so affecting, the level of emissions of relevant pollutants, shall do so so as to limit any such emissions in accordance with the requirements of sub-articles (1) and (2).

*National
Strategy*

7. (1) The Minister shall draw up, or cause to be drawn up, a strategy, hereinafter referred to as “the strategy”, for the progressive reduction of emissions of the relevant pollutants, with the aim of complying with article 6.

(2) The strategy shall include information on adopted and envisaged policies and measures and quantified estimates of the effect of these policies and measures on emissions of the relevant pollutants in 2010 and shall indicate anticipated significant changes in the geographical distribution of national emissions.

(3) The strategy shall be clear, comprehensible and easily accessible and shall be made available to the public, relevant public authorities and

statutory undertakers and appropriate organisations such as environmental organisations, and, where so requested, any organisation or any person.

(4) The Minister shall update and revise the strategy as necessary no later than 1 October 2006.

(5) The Minister shall inform the Commission of the strategy when drawn up, and shall inform the Commission of any necessary updating and revision of the strategy no later than 31 December 2006.

*National
Emission
Inventories
and
Projections*

8. The Agency shall prepare, and annually update, national emission inventories and national emission projections for 2010 of the relevant pollutants, using the methodologies agreed upon by the Convention on Long-range Transboundary Air Pollution and shall use the joint EMEP/CORINAIR guidebook in preparing and updating these inventories and projections, where possible.

Reporting

9. The Agency shall at latest by 31 December each year report to the Commission and the European Environment Agency:

- (i) the final national emission inventories of the relevant pollutants for the previous year but one;
- (ii) the provisional national emission inventories of the relevant pollutants for the previous year; and
- (iii) national emission projections for 2010 of the relevant pollutants, including information to enable a quantitative understanding of the key socio-economic assumptions used in their preparation.

Offences

10 (1) For the purposes of these Regulations it shall be an offence to contravene article 6(3).

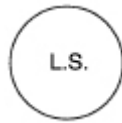
(2) A person or body convicted of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding €1,269, or to imprisonment for any term not exceeding six months, or, at the discretion of the court, to both such fine and such imprisonment.

(3) A prosecution of an offence under these Regulations may be taken by the Minister, the Agency, or by a local authority in whose functional areas the offence is committed, as appropriate.

SCHEDULE

National Emission Ceilings for emissions of relevant pollutants by 2010
in kilotonnes

Sulphur Dioxide	Nitrogen Oxides	Volatile Organic Compounds	Ammonia
42	65	55	116



GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government this 13th day of January 2004.

MARTIN CULLEN,

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations transpose Directive 2001/81/EC into Irish law by specifying national emission ceilings for sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia to be achieved by 2010. The Regulations provide for the preparation of a national strategy with the aim of complying with the ceilings and the preparation and reporting of annual national emission inventories and projections.

¹ O.J. L309/22 of 27.11.2001.