



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;

⁽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.

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Whereas nitrogen dioxide is also a precursor in the formation of photochemical oxidants which can be harmful to man and the environment and whereas preventive action can help reduce their formation;

Whereas it is necessary to establish measuring stations to monitor compliance with the limit value for nitrogen dioxide and whereas it is desirable that these stations also measure nitric oxide which is an intermediary step in the formation of nitrogen dioxide;

Whereas, in view of the existence of different methods of analysis in the Member States, it is necessary to permit, under certain conditions, the use of methods of analysis other than the reference method laid down in the Directive;

Whereas, in addition to the limit value, there is a need to provide for guide values to improve the protection of human health and contribute to the long-term protection of the environment;

Whereas subsequent changes in the reference method of analysis referred to in this Directive may be desirable in the light of technical and scientific progress in this area; whereas, in order to facilitate the implementation of the work necessary to this end, a procedure should be set up to establish close cooperation between Member States and the Commission within a Committee on Adaptation to Scientific and Technical Progress,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The purpose of this Directive is to:
 - fix a limit value (Annex I) for nitrogen dioxide in the atmosphere specifically to help protect human beings against the effects of nitrogen dioxide in the environment.

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2. This Directive shall not apply to exposure at work or inside buildings.

Article 2

For the purposes of this Directive:

- ‘limit value’ means the concentration of nitrogen dioxide as defined in the table in Annex I which must not be exceeded throughout the territory of the Member States during specified periods and under the conditions laid down in the following Articles.

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Article 3

1. Member States shall take the necessary measures to ensure that as from 1 July 1987 the concentrations of nitrogen dioxide in the atmosphere measured in accordance with Annex III are not greater than the limit value given in Annex I.

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_____*Article 5*

Member States may, at any time, fix values more stringent than those laid down in this Directive.

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_____*Article 9*

The application of the measures taken pursuant to this Directive must not lead to a significant deterioration in the quality of the air in zones, outside urban areas, where the level of pollution by nitrogen dioxide at the time of implementation of this Directive is low in relation to the limit value laid down in Annex I.

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_____*Article 15*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1987 at the latest and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 16

This Directive is addressed to the Member States.

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ANNEX I

LIMIT VALUE FOR NITROGEN DIOXIDE

(The value limit shall be expressed in $\mu\text{g}/\text{m}^3$. The volume must be standardized at the following condition of temperature and pressure: 293° K and 101,3 kPa)

Reference period (1)	Limit value for nitrogen dioxide
Year	200
	98th percentile calculated from the mean values per hour or per period of less than an hour recorded throughout the year (2)

(1) The annual reference period begins on 1 January in any given calendar year and ends on 31 December.

(2) To ensure that the validity of the calculation of the 98th percentile is recognized, 75 % of the possible values must be available and, as far as possible, distributed uniformly throughout the year in question for that particular measurement site.

In cases where the values measured on certain sites are not available over a period exceeding 10 days. (SIC! days,) the calculated percentile must mention this fact.

The calculation of the 98th percentile on the basis of the values recorded throughout the year is to be carried out as follows: the 98th percentile must be calculated from the values actually measured. The measured values should be rounded off to the nearest $\mu\text{g}/\text{m}^3$. All the values are to be listed in increasing order for each site:

$$X_1 \leq X_2 \leq X_3 \leq \dots \leq X_k \leq \dots \leq X_{N-1} \leq X_N$$

The 98th percentile is the value of the component of rank k where k is calculated from the following formula:

$$k = (q * N)$$

where q is equal to 0,98 for the 98th percentile and to 0,50 for the 50th percentile, N being the number of values actually measured. The value of (q x N) should be rounded off to the nearest whole number.

Where measuring equipment does not yet allow the production of discrete values but provides only classes of values higher than 1 $\mu\text{g}/\text{m}^3$, the Member State concerned may, for the calculation of the percentile, use an interpolation, provided that the interpolation formula is accepted by the Commission and that the classes of values are not higher than 10 $\mu\text{g}/\text{m}^3$. This temporary waiver is only valid for equipment currently installed for a time span not exceeding the life of the equipment and in any case limited to 10 years from the application of this Directive.

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