

Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
- The sections include links to external websites (e.g. to legal texts). These links continue to work as long as those links are not broken by those websites.
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The Manual should be cited as follows:

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Historic legislation: Ozone

Formal reference 92/72/EEC (OJ L297 13.10.92)	Directive on air pollution by ozone.
Proposed 23.07.91 – COM(91)220	
Legal base	Article 192 TFEU (originally Article 130s EEC)
Binding dates	
Formal compliance	21.3.94
First annual reports by Member States to Commission	30.6.95
Commission's Report to Council	21.3.98

Directive 92/72/EEC was repealed by Directive [2002/3/EC](#) (see section on air quality framework) on 9 September 2003.

Purpose of the Directive

Ozone is a 'secondary' pollutant formed by a series of complex reactions between two primary or precursor pollutants – volatile organic compounds and nitrogen oxides – in the presence of sunlight. High concentrations may have adverse effects on human health, interfere with plant growth and damage building materials. Unlike earlier air quality Directives, Directive 92/72/EEC did not set air quality limit values for ozone. Rather, in order to obtain a wider knowledge of ozone levels within the Community, the Directive required the establishment by Member States (on a consistent basis) of ozone monitoring networks, and the sharing of monitoring information between the Commission and the Member States so as to aid the development of future measures for the control of photochemical pollution. Warnings were to be given to the public in the event of ozone levels exceeding certain thresholds.

Summary of the Directive

The Directive required Member States to develop a network for the collection of information on ozone levels, in line with criteria established in an Annex II. Measurement points were to be located at geographically and climatologically representative sites, where the risk of exceedances of various thresholds is highest (see below). Where Member States did not have sufficient information to identify such sites, indicative measurement programmes were to be undertaken. A reference method for the analytical measurement of ozone was given in an Annex V (which is the Ultraviolet absorption method).

The Directive established four health and vegetation protection thresholds for ozone based on World Health Organisation (WHO) guidelines:

1. Health protection – 110 µg/m³ (8-hour mean)
2. Vegetation protection – 200 µg/m³ (1-hour mean)
– 65 µg/m³ (24-hour mean)
3. Population information – 180 µg/m³ (1-hour mean)
4. Population warning – 360 µg/m³ (1-hour mean)

If thresholds 3 and 4 were exceeded then information had to be circulated on a sufficiently large scale (e.g. through the print and broadcast media) and as soon as possible to enable the population concerned to take appropriate protective action. Details of such exceedances were to be sent to the Commission at the latest by the end of the month following that in which the events occurred.

In 1995 (at the latest by 30 June) and annually thereafter, each Member State had to provide the Commission with annual ozone reports from each measuring station. Member States were required to designate a body to coordinate the implementation of the programme and to provide all the relevant information to the Commission.

The Directive required the Commission, four years after the Directive came into effect, to submit to the Council a report on the information collected. Proposals for stricter control measures for ozone or ozone precursors could be submitted to the Council with the report.

In September 1996 the Air Quality Framework Directive 96/62/EC was adopted and in February 2002 a daughter Directive 2002/3/EC on ozone in ambient air was adopted. This contains revised objectives and monitoring requirements and resulted in the repeal of Directive 92/72/EEC on 9 September 2003. The relationship between the daughter Directive as proposed and Directive 92/72/EEC is discussed in a Commission report¹.

Development of the Directive

The Fourth Action Programme on the environment provided for the possibility of action on photochemical pollution, and in particular on pollution by ozone. In submitting its proposal, the Commission described the problem of pollution by photochemical oxidants as ‘one of the major environmental problems of the turn of the century’. Ozone is formed, particularly during hot, still weather, by the action of sunlight on volatile organic compounds and nitrogen oxides emitted principally from vehicle exhausts. Ozone plumes can also travel great distances. Ozone has been implicated in the onset of asthma attacks in sensitive groups of the population.

The Commission’s proposal did not contain limit values for ozone, since these would have been regularly exceeded in a number of Member States. Moreover, the chemistry of photochemical episodes and the most effective means for preventing them were not yet fully understood. In early drafts, the Commission proposed that proposals for limit values for ozone should be tabled five years after the Directive came into effect, but this

requirement was dropped during negotiations with Member States. Detailed requirements relating to the content of public warnings and the time limit within which ozone episodes were to be reported to the Commission were also relaxed.

Implementation of the Directive

Information on national transposition of Directive 92/72/EEC can be found in the [national executive measures](#)

A full assessment of ozone monitoring information across the EU and its relationship to the requirements of the Directive was published by the European Environment Agency². This suggested that information exchange was successful and that levels of ozone recorded often exceeded the values suggested, for example by WHO or the UNECE, for the protection of human health or for vegetation. This was supported by a report from the European Commission in 1999, which demonstrated that exceedances of the ozone information threshold occurred during summer 1999 in all Member States except Denmark, Finland, Ireland and Sweden.

Enforcement and court cases

No case concerning this Directive was concluded in the European Court of Justice.

Related legislation

The overall objectives of Directive 92/72/EEC have now been incorporated into the Air Quality Framework Directive [2008/50/EC](#) and the reader is directed to this section to explore related legislation.

References

1. European Commission (1999) *Ozone Position Paper*.
2. Beck, J P, Krzyzanowski, M and Koffi, B (1998) *Tropospheric Ozone in the European Union*. European Environment Agency, Copenhagen.