



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES
ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

UEAPME Position regarding the 4th Daughter Directive Ambient Air

Deeply concerned about the proposal for the 4th Daughter Directive on the Quality of Ambient Air, As, Ni, Cd, PAHs, UEAPME kindly asks for support in its efforts to avoid serious damage to European industry.

Based on the result of two studies, which clearly reviewed that limit values would not be attainable in most cases around industrial sites, even when applying Best Available Techniques (BAT), the European Commission decided to set a monitoring system for ambient air concentrations of Ni, As and Cd and a target value for PAHs instead of limit values. For this reason, we welcomed the EC proposal as the only responsible, balanced and practical approach.

For us it is completely incomprehensible that through adopting the report proposed by the Rapporteur Mr. Kronberger, the Environment Committee of the Parliament aims at the introduction of binding limit values. The Commission studies definitely confirm that limit values would not be attainable in most cases and even in specific cases where compliance techniques could be applied, the costs would clearly outweigh specific quantifiable benefits for the environment.

Consequently the introduction of limit values as proposed by Mr. Kronberger would cause unacceptable legal uncertainty for the owners of the plants concerned by the Directive, including the risk of leading to the closure of industrial sites, with the result of no positive effect on the environment in most cases.

Considering the fact, that such industrial sites – aluminium and steel (PAH), nickel and stainless steel (Nickel), copper, lead and zinc (Arsenic and Cadmium) – are also located in most of the Member States, the Directive would seriously endanger the competitiveness of the European Industry.

Even the Presidency compromise proposal suggesting the introduction of target values is not sufficient to solve the above-mentioned problems. At least in the definition of “target value” the idea of proportionality has to be taken into account.

We suggest the following text of **Article 2 lit a**:

“target value” means a concentration in the ambient air fixed with the aim of avoiding, preventing or reducing harmful effects on human health and environment, at the whole, to be attained where possible **and appropriate** over a given period.“

To keep the intention of the Directive to improve living conditions for the population at large intact, whilst not jeopardising single industrial installations, which do not contribute to the general immission level, it is necessary to define exactly that no measures beyond the application of BAT according to the BREFs are necessary.

We suggest the following text of **Article 3 paragraph 3**:

“For such zones and agglomerations, Member States shall specify the areas of exceedance and the sources contributing to this exceedance. In the areas concerned Member States must demonstrate the application of all necessary measures not entailing excessive costs, targeted in particular at the predominant emission sources. **For all industrial installations covered by Directive 96/61/EC and contributing to the exceedance, the application of best available techniques as defined by Article 2 (11) of Directive 96/61/EC and described in the relevant BREFs is effectual**”.

This wording shall clarify that for installations, who already fulfil BAT, no further measures have to be taken.

Brussels, February 2004