

Ambient Air Quality

Case of Ostrava-Karvina Agglomeration, Czech Republic

The European Commission is taking action over harmful levels of air pollution in EU member states. It has started infringement procedures against France, Italy, Spain, Slovenia and the UK for exceeding EU limits on ambient concentrations of sulfur dioxide (SO₂), an air pollutant from industrial installations that can cause respiratory problems and aggravate cardiovascular disease. The Commission is also asking 23 member states to provide information on the measures they are taking to reduce the levels of airborne particles known as PM₁₀ to meet EU standards. These coarse particles emitted by industry and traffic can cause asthma, cardiovascular problems, lung cancer and premature death. Some 70% of European towns and cities with 250,000 inhabitants or more have reported exceeding the PM₁₀ limits in at least part of their area. EU limit values for sulfur dioxide, PM₁₀ and several other pollutants were agreed in a 1999 directive, which was replaced by **Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe**.

Binding daily and annual limit values for PM₁₀ have been in force since 1 January 2005.¹ According to the Directive, the territory of the Czech Republic was divided into 10 zones and agglomerations. In Ostrava-Karvina agglomeration, the measurements proved the limit values regarding to PM₁₀ are exceeded (especially during smog situations) and the quality of ambient air in many parts of the City of Ostrava is very bad.

In previous years, 24 hour limit value for PM₁₀ was exceeded 118 - 67 times a year, depending on the site of measurements. The average annual concentration of PM₁₀ fluctuated between 47- 49 micrograms/m³.

The Air Quality Plan (according to Art. 23) is in place since 2007 in the Czech Republic. The short term action plan (Art. 24) was elaborated by the Municipal Authority for Ostrava Agglomeration in 2012.

Main causes of air pollution by PM₁₀ can be seen as:

- a) industrial sources of pollution (Arcelor Mittal, Vítkovice Machinery Group, central heating systems etc.)
- b) car transportation
- c) local heating systems
- d) transboundary air pollution (mainly from Poland).

Study

- Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (Art. 13 and 23.1)

¹ EU law (Directive 2008/50/EC) requirements related to PM₁₀ particulates in EU Member States: 24-hour limit value for PM₁₀ = 50 micrograms/m³, not to be exceeded more than 35 times a year. Annual limit value = 40 ug/m³.

- Case CJ EU Dieter Janecek v. Freistaat Bayern (C- 237/07)
- Case C- 404/13: Reference for a preliminary ruling from Supreme Court of the United Kingdom (United Kingdom) made on 16 July 2013 — R on the application of ClientEarth v Secretary of State for the Environment, Food and Rural Affairs
- Case C – 404/13: Judgment of the Court of 19 November 2014
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Questions:

1. Does the Czech Republic comply with EU legislation regarding to concentration of PM₁₀ particulates in ambient air?
2. Is there the possibility for the European Commission to open infringement procedure against the Czech Republic?
3. Do you know any other Member State against which Commission opened infringement procedure regarding to non compliance with the Directive? What steps had been taken in that infringement procedure?