

CONCEPTION DOCUMENTS AS A POLLUTION REDUCTION TOOL - THE CZECH EXPERIENCE

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Abstract

Conception documents are significant instrument required by environmental legal acts, both at EU and national law levels. They became integral part of air protection legislation. Pursuant to Directive 2001/81/EC Member States were obligated to draw up programmes for the progressive reduction of national emissions of the pollutants referred to in Art. 4 of the Directive. Directive 2008/50 requires Member States to establish air quality plans and short term action plans. Czech Republic transposed both Directives to the national legislation. Despite this, it is among 17 Member States in which the limit values for PM10 have not respected and against which the Commission launched the infringement procedure.

The aim of this contribution is to explain purpose of these conception documents, to find out if they have potential to contribute to good quality of the air and what possible obstacles to their effectiveness can occur. The attention will be focused at legal character of these plans and programmes and their relation to other regulatory instruments.

Key words: *environmental protection, air protection, air quality plans, short term action plans, emission reduction programmes*

1. INTRODUCTION

Conception documents are significant regulatory instruments in the field of environmental law, both at EU and national law levels. They became integral part of air protection legislation consisting of the source-based air pollution control legislation and air quality legislation. Based on it, EU Member States are required to elaborate and adopt plans and programmes with the aim to achieve and sustain good quality of the air which would not pose a threat to human health and the environment. EU legislation introduced different kind of plans and programmes in the field of air protection, therefore one must distinguish

- a) emissions reduction programmes required by Directive 2001/81/ EC on national emission ceilings for certain atmospheric pollutants, representing the source-based air pollution control legislation,
- b) air quality plans required 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, which are part of air quality legislation,
- c) short term action plans for managing situations of high concentration of pollutants in the ambient air which poses a risk to human health from brief exposure for the population (required by Directive 2008/50/EC).

The question is, if these conception documents have mandatory character, e.g. if Member States are obligated to introduce them into the national legislation and ensure their implementation, what rules are shaping their content and what legal character and position do they have in the national legal systems in respect to other regulatory instruments.

This contribution is divided into several parts. At first, the attention will be given to emission reduction programmes. The second part will be focused on air quality plans. The third part will be aimed at short term action plans. All these conception documents will be described at the EU law level. Then, based on the Czech national experience, these documents will be analysed from the following point of view:

- What are the basic features of these conception documents?
- Are Member States obligated to adopt the plan/programme?
- Are there any requirements as to their content in national legislation?
- Do these documents have binding character?

Based on the analysis, obstacles to the effectiveness of conception documents will be identified in the process of EU law implementation.

2. EMISSION REDUCTION PROGRAMMES

Pursuant to Directive 2001/81/EC Member States were to draw up national programmes for progressive reduction of national emissions of the pollutants sulphur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC), ammonia (NH₃). These emission reduction programmes support achievement of national emission ceilings, since Member States were obligated to limit their annual national emissions of the above mentioned pollutants to amounts not greater than the emission ceilings laid down in Annex I of the Directive by the year 2010 at the latest and then to ensure that emission ceilings are not exceeded in any year after 2010.

Member States are responsible for implementing measures to comply with their national emission ceiling. Emission reduction programmes as a tool of national legislation provide Member States with a certain degree with flexibility in their effort to comply with a set of national ceilings, since the Directive covers emissions from all sources of pollutants mentioned above.

Member States were obligated to draw up national emission reduction programmes by 1 October 2002 at the latest. They were required to include information on adopted and envisaged policies and measures and quantified estimates of the effect of these policies and measures on emissions of the pollutants in 2010. The Directive laid down no specific requirements regarding to the content of emission reduction plans and thus left the responsibility for compliance with the national emission ceilings to Member States. They were also free to decide on the scope of these programmes, since besides the reduction programme at national level encompassing the whole territory of the state, these programmes could also be prepared in relation to regions/agglomerations or to the specific groups of sources of pollution. Member States were anticipated to update the national programmes each 4 years and made them available to the public. (Jans, Vedder, 2012)

Member States are responsible primarily for implementing measures to comply with national emission ceilings, not for the quality of emission reduction programmes itself, even though the emission reduction programmes should contain effective measures to achieve the objective. Nevertheless, Member States are free to draw up these measures. The national programmes should be reported to the Commission pursuant to Art.8 of the Directive.

The cap on total annual emissions of all Member States by Directive 2001/81/EC resulted in reductions of sulphur dioxide emissions by 82 %, nitrogen oxides emissions by 47 %, non-methane volatile organic compounds emissions by 56 % and ammonia emissions by 28% in the EU between 1990 and 2010 (Directive 2016/2284, Preamble (1)). The Czech Republic did not exceed national emission ceilings in respect to all kind of pollutants (Ministry of the environment of the CR: National Emission Reduction Programme of the Czech Republic).

The Czech Republic adopted the new Air Protection Act (No. 201/2012 Coll.) in 2012. This law abandoned the duty to prepare emission reduction programmes at the regional level, which was required by previous legislation (Air Protection Act No. 86/2002 Coll.). Thus, the National Emission Reduction Programme (NERP) was prepared at the national level by the Ministry of the Environment in cooperation with other central administrative bodies. This program must be approved by the government in the form of governmental ruling. The current NERP was approved as Governmental Ruling No 978 on 2nd of December 2015. Among the most important parts of this document belong for example analysis of the current state and future development of the air quality in the Czech Republic, causes of

pollution, international commitments and their implementation. The objectives in the field of air pollution reductions are delimited and core provisions are related to ways, measures and time frames for their achievements. There are 23 priority measures intended to reduce emissions of polluting substances and to contribute to the air quality improvement. These measures are imposed on individual central administrative bodies to be carried out. Out of 23 measures, 15 of them is directed to transportation, 3 to industrial sector, 2 to agriculture and 3 measures are to be carried out in household sector (Ministry of the environment of the CR: National Emission Reduction Programme of the Czech Republic). The Czech National Emissions Reduction Programme has character of a guidance document; it means that it is not a generally binding legal act, but an internal document which has binding character for subordinate organizations/authorities and their representatives/officers. This fact indicates that no obligations arise for private natural or legal persons from this document. Ministries, other central and other administrative bodies are responsible for implementation of this programme based on relation of subordination. Regarding to the content of NERP, specific requirements are set directly in Art. 8.2 of the Air Protection Act. There is no provision addressing relations of the NERP to other conception documents or to permitting procedures. Nevertheless, there is no discrepancy with the Preamble (19) of the Directive establishing that „provisions of this Directive should apply without prejudice to the Community legislation regulating emissions of those pollutants from specific sources and to the provisions of Council Directive 96/61/EC in relation to emission limit values and use of best available techniques. (Morávek, J., Tomášková, V., Bernard, M., Vícha, O., 2013)

The objective to comply with the national emission ceilings is implemented in the Czech Air Protection Act by set of regulatory instruments. Regarding to stationary sources of pollution, the amount of emissions of polluting substances is controlled by emission limitations. Should emission limits be incorporated into the permit to operate of significant sources of air pollution, the permitting authorities are not entitled to permit emissions that would exceed the emission limits set by the implementing legislation. Emission limits are complemented by emission ceilings which may be set for individual stationary sources or their groups or for specific territory beside the national emission ceilings for the whole territory of the Czech Republic.

In 2011-2013 the Commission conducted a review of the EU air policy which resulted in the adoption of the Clean Air Policy Package. As part of the package, the Commission proposed a Clean Air Programme for Europe, updating the 2005 Thematic Strategy on Air Pollution in order to set new objectives for EU air policy for 2020 and 2030.

The main legislative instrument to achieve the 2030 objectives of the Clean Air Programme is Directive 2016/2284/EU on the reduction of national emissions of certain atmospheric pollutants which entered into force on 31 December 2016. This Directive sets national reduction commitments for the five pollutants (sulphur dioxide, nitrogen oxides, volatile organic compounds, ammonia and fine particulate matter) responsible for acidification, eutrophication and ground-level ozone pollution which leads to significant negative impacts on human health and the environment.

The new Directive repeals and replaces Directive 2001/81/EC, on National Emission Ceilings (NECD) from the date of its transposition (30 June 2018) ensuring that the emission ceilings for 2010 set in that Directive shall apply until 2020. Directive 2016/2284 also transposes the reduction commitments for 2020 taken by the EU and its Member States under the revised Gothenburg Protocol (see below) and sets more ambitious reduction commitments for 2030 so as to cut the health impacts of air pollution by half compared with 2005 (European Commission: Emissions of Air Pollutants).

The high-level objective of the new National Emission Ceilings Directive (NECD) is to support Member States with the further reduction of air pollution and its associated risks to the environment and human health (Article 1). The Directive includes for each Member State future emission reduction commitments for nitrogen oxides (NO_x), sulphur dioxide (SO₂), ammonia (NH₃), non-methane volatile organic compounds (NMVOC), and fine particulate matter (PM_{2,5}) emissions.

To help Member States achieve their reduction commitments, Article 6 of the Directive imposes the duty to establish by 1 April 2019 at the latest an initial National Air Pollution Control Programme (NAPCP) on them, which must be regularly updated, at least every four years (referred to as NAPCP

updates). The programmes should reflect the coordinated and strategic approach to air quality and emission control adopted by the Directive.

The Directive provides for the Commission to establish guidance on the elaboration and implementation of the NAPCP (Article 6.9) and requests the Commission to specify the format of the NAPCP by means of an implementing act (Article 6.10). (Ricardo Energy & Environment, 2016)

It can be concluded that both the former Emissions Reduction Plans and newly required National Air Pollution Control Programmes are aimed at progressive reduction of air pollution, resp. emissions of specific substances. The old Directive is relatively brief in specification of format, content and even the name of national programmes, while the new one unifies their denomination as National Emission Control Programmes as well as their content in Annex III. Pursuant to Art. 6.10 of the Directive 2016/2284 it can be anticipated that Commission will specify by means of implementing acts, the format of national air pollution control plans. Moreover, Member States are required to ensure coherence with other relevant plans and programmes which are established in national or Union legislation (Art. 6.1(d))

3. AIR QUALITY PLANS

At the EU level, air quality plans are subject to regulation encompassed in **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**. This Directive repealed Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management and Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air, because they needed to be substantially revised in order to incorporate the latest health and scientific developments and the experience of the Member States with the aim to meet the needs envisaged in the Sixth Community Environment Action Programme.¹ Member States were obligated to transpose this Directive by 11 June 2010.

The main objective of Directive 2008/50/EC is expressed in its Preamble:” *Air quality status should be maintained where it is already good, or improved. Where the objectives for ambient air quality laid down in this Directive are not met, Member States should take action in order to comply with the limit values and critical levels, and where possible, to attain the target values and long-term objectives.*” The main pollutants such as sulphur dioxide, nitrogen dioxide, particulate matter (PM10 and PM 2,5), lead, benzene and carbon monoxide are covered by the directive. For these, thresholds, limit values and target values are set to assess each pollutant covered. Limit values for human health are specified for sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and PM10 in Annex XI. While limit values are set with the aim of avoiding, preventing or reducing harmful effects on human health and/or the environment as a whole, ‘alert threshold’ shall mean a level beyond which there is a risk to human health from brief exposure for the population as a whole and at which immediate steps are to be taken by the Member States (Art. 2.10). The alert thresholds for concentrations of Sulphur dioxide and nitrogen dioxide in ambient air are specified in in Section A of Annex XII. Besides that, Directive 2008/50/EC established ‘critical level’ above which direct adverse effects may occur on some receptors, such as trees, other plants or natural ecosystems but not on humans, and ‘information threshold’ which means a level beyond which there is a risk to human health from brief exposure for particularly sensitive sections of the population and for which immediate and appropriate information is necessary.

Pursuant to Art. 4 of the Directive, Member States have a duty to establish zones and agglomerations in their territory. Throughout all these zones and agglomerations, Member States are obligated to ensure that levels of pollutants in ambient air do not exceed the limit values laid down in Annex XI. Where pollution levels in any particular area are higher than the thresholds, air quality plans must be introduced to correct the situation. These may include specific measures to protect sensitive groups, such as

¹ Sixth Community Environment Action Programme was adopted by Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002. It establishes the need to reduce pollution to levels which minimize harmful effects on human health, paying particular attention to sensitive populations, and the environment as a whole, to improve the monitoring and assessment of air quality including the deposition of pollutants and to provide information to the public.

children. If there is a risk that pollution levels may exceed the alert thresholds specified in Annex XII, Member States have a duty to draw up short-term action plans indicating the measures to be taken in the short term in order to reduce the risk of duration of such an exceedance. Such measures must be implemented to head off the danger and may include reduction of road traffic, construction works or certain industrial activities, for instance (Eur-lex: Document Information, Summary). The Directive requires explicitly that consistency with other plans required under Directive 2001/80/EC or Directive 2002/49/EC must be ensured, to the extent feasible, in order to achieve the relevant environmental objectives.

Pursuant to Directive 2008/50 Member States are obligated to establish air quality plans for zones and agglomerations where it is apparent that conformity with limit values for pollutants established in Annex XI cannot be achieved in a given zone or agglomeration and the levels of pollutants in ambient air exceed the limit value plus relevant margin of tolerance. The air quality plans must set out appropriate measures, so that the exceedance period can be kept as short as possible. (Jans, Vedder, 2012)

Despite an obligation for governments to ensure good air quality, the situation is not good. The Commission has already taken action against 17 Member States with a consistent record of poor quality. Among those states belongs Bulgaria, for example, for systematic and persistent exceedance of PM10 limit values (Case C-488/15). Formal notice was also addressed to the Czech Republic. (European Commission, 2015)

In the past, the Commission has successfully taken some Member States to Court (CJ EU) for failing to ensure good quality of the air. The Court ruling “*only covered the failure to comply with air quality limit values in the past, providing little incentive for Member States to act on future exceedances*”. Currently, Commission enlarged the scope of the legal action and Member States are taken to the Court for non-compliance with obligation established by Art. 23.1 of Directive 2008/50/EC, e.g. to ensure that exceedance period can be kept as short as possible (see Case C-488/15). (European Commission - Press Releases)

It implies, that air quality plans are significant conception instrument required by EU environmental law in respect to national law systems. They became integral part of the air protection legislation in the Czech Republic. Pursuant to Czech Air Protection Act No. 201/2012 Coll., Ministry of the Environment in cooperation with the competent regional authority should prepare the “Air Quality Improvement Programme” (which is equal to the Air Quality Plan under the Directive) for those zones and agglomerations where the limit values established according to Directive 2008/50/EC are exceeded. Information to be included in the air quality plans are delimited in section A of the Annex XV of the Directive. Among those, the Air Quality Plans must encompass details of those measures or projects for improvement which existed prior to 11 June 2008, with observed effects of these measures, details of those measures or projects adopted with a view to reducing pollution following the entry into force of the Directive along with timetable for implementation and estimate of the improvement of air quality planned and of the expected time required to sustain these objectives. Details of the measures or projects planned or being researched for the long term should be included as well. From that one can conclude that Directive 2008/50/ES has a character of the “mixed act” since it establishes not only the aim in the form of limit a threshold values for ambient air quality to be achieved and attained, but it sets the way how this objective is to be achieved by setting requirements on measures that should ensure good quality of the air. These are included in conception documents. By setting rules what plans Member States must adopt and which measures are to be included in these plans, the EU legislation substantially limits the freedom of Member States to choose forms and ways of national legislation to implement the Directive. Nevertheless, it is for the Member State to identify specific measures. One may raise a lot of questions regarding to those measures –

- what measures are effective enough to satisfy the EU requirement that the exceedance period can be kept as short as possible,
- what does it mean “as short as possible”,
- who is competent to assess these plans?

To meet the Directive's requirements, the exceedance must be brought to an end within a certain period. However, no such certain period is either expressly laid down in Directive 2008/50 or can be inferred from that directive. While Member States have a certain degree of discretion in deciding which measures to adopt, those measures must, in any event, ensure that the period during which the limit values are exceeded is as short as possible. Nevertheless, to determine what period of time is 'as short as possible' can be only on the basis of an assessment of the individual case.

The fact, that the plan is merely established, cannot satisfy the obligation under the second paragraph of Article 13(1) of Directive 2008/50/EC (Case C-404/13). As the Court of Justice of the EU (CJEU) ruled in *Janecek* (C-237/07) regarding the action plans on measures to be taken in the short term where there is a risk of the limit values being exceeded under Article 7(3) of Directive 96/62, it is for the Member States to take measures capable of reducing to a minimum the risk of the limit values and/or alert thresholds being exceeded and the duration of such an occurrence, taking into account all the material circumstances and opposing interests. In this connection, the Court has also recognized that in exercising discretion the Member States should, in addition to the aim of minimizing the exceedance, also take into account the balance which must be maintained between that objective and the various opposing public and private interests. As Juliane Kokott said „*The air quality plans under Article 23(1) of Directive 2008/50 can also be adopted only on the basis of such a balance of interests. The high importance of ambient air quality for the protection of life and health leaves only very little room for consideration of other interests. It therefore also requires a strict review of the assessment made. However, there are undeniably overriding interests which may preclude certain appropriate measures.*“ (Kokott, J. 2016) It is obvious that non-compliance with the limit values does not form the basis for the infringement of the second subparagraph of Article 23(1) of Directive 2008/50, but is merely an indication that the air quality plans do not satisfy the requirements. Whilst this cannot be inferred from the first exceedance, the longer the exceedances persist, the more they show how effective — or ineffective — the measures already taken to improve air quality were. (Kokott, J. 2016)

One may argue that elaboration and adoption of air quality plan with effective measures is not the only thing that matters. Even if these plans would perfectly match the EU requirements, it is for national authorities to implement them. If – in their decision-making processes - national authorities would ignore measures which are delimited by these plans, can we talk about the failure to adopt effective air quality plans? In this regard it is appropriate to talk about the failure to implement these plans then to criticize their quality. It can be concluded that to achieve compliance to requirements set in the Art. 13 and 23, the national legislator must ensure that the air quality plans and limit values set by the Directive will be respected.

The Czech Air Protection Act established the rule that the Air Protection Authorities are bound by the limit values for the concentration of main pollutants (SO₂, NO_x, CO, benzene, PM10 and lead) in the ambient air in their decision-making. It means that they should not approve any new development project having impact on the air quality in those zones/agglomerations where the limit values are already exceeded. The Air Protection Authorities are entitled to depart from this rule only if adequate compensatory measures are proposed in the project. These compensatory measures should ensure that the level of pollution in the given area would not increase with the establishment of a new source of pollution. Regarding to air quality plans, the competent authorities are obligated to come out of these plans as well as of critical levels of pollution², while they have to “watch” limit values for ozone. This does not preclude the possibility to assess the projected activity in consistence with Kokott's opinion mentioned above.

At the national law level, the content of the Air Quality Improvement Programmes (e.g. Air Quality Plans) is delimited in the annex V to the Air Protection Act. Among information that must be included in Air quality plans are regional emission ceilings. Moreover, the Air Protection Act established the duty for competent authorities to respect emission ceilings set by the Air Quality Improvement Programme in their decision-making procedures related to sources of air pollution (Art. 0.3). The prescribed form

² 'Critical level' shall mean a level fixed on the basis of scientific knowledge, above which direct adverse effects may occur on some receptors, such as trees, other plants or natural ecosystems but not on humans (Directive 2008/50/EC)

of these plans at the Czech national level is so called “measure of the general character” providing the public concerned with the access to administrative courts to repeal the air quality plans.

4. SHORT TERM ACTION PLANS

Short term action plans are conception documents applicable in situations, when there is a risk that the levels of pollutants in the ambient air will exceed one or more alert thresholds specified in Annex XII of Directive 2008/50/EC. „Alert threshold“ means a level beyond which there is a risk to human health from brief exposure for the population as a whole and at which immediate steps are to be taken by the Member States (Art. 2.10)

The Directive differentiates situations, when Member States have the duty to draw up these action plans and when they „may“. Mandatory action plans relate to high concentrations of sulphur dioxide, nitrogen oxide (conditionally of ozone), while excessive concentrations of other pollutants including particles PM10 and PM 2,5 are subject to voluntary action plans of Member States. The short-term action plans should provide for effective measures to control and, where necessary, suspend activities which contribute to the risk of the respective limit values or target values or alert threshold being exceeded. Those action plans may include measures in relation to motor-vehicle traffic, construction works, ships at berth, and the use of industrial plants or products and domestic heating. Specific actions aiming at the protection of sensitive population groups, including children, may also be considered in the framework of those plans (Art. 24.2). Pursuant to Art. 3 of the Directive, Member States should make these plans available to the public and to appropriate organizations such as environmental organizations, consumer organizations, organizations representing the interests of sensitive population groups, other relevant health-care bodies and the relevant industrial federations both the results of their investigations on the feasibility and the content of specific short-term action plans as well as information on the implementation of these plans. The content of these Action Plans is indicated roughly in Art. 24.2 of the Directive. Examples of best practices for the drawing-up of short term action plans are published by the Commission.

The aim of these action plans is to protect human health which may be threatened by a brief exposure to pollutant contained in the ambient air. Therefore, in such situations (smog situations for example), immediate steps must be taken to control the pollution. The action plans should indicate those measures which can be applied in order to reduce the risk and duration of exceedance of alert thresholds.

The action plans were introduced to the Czech legal order by previous Air Protection Act No. 86/2002 Coll., nevertheless, the Air Protection Act No. 201/2012 Coll., which is currently in force, abandoned this legal instrument. Newly, the legislator have chosen the other way to regulate smog situations. For significant stationary sources of pollution, short term control measures have to be incorporated directly into their operational rules; these operational rules must be approved by the Air Protection Authority. In case of exceedance of alert thresholds, the operators have a duty to apply these specific operational rules for the sake of immediate reduction of emissions. According to the Czech legislation, this duty is related not only to emissions of SO₂ and NO_x, but to PM10 particles as well, which goes beyond the EU law requirement. Beside this direct regulation of stationary sources of pollution, the Czech law anticipates adoption of regulations focused on car traffic control at the municipal level in those municipalities, where the traffic regulation is possible and where it could lead to pollution reduction. This regulation applies beside the possibility to establish low-emission zones.

Despite these regulatory instruments are aimed at achievement of the same objective as the action plans, the Czech Ministry of the Environment was taken to the administrative court. The case was finally decided by the Supreme Administrative Court (2 As 48/2011-60). This court expressed its opinion that the Directive 2008/50/EC does not provide for incorporation of short term measures into the other regulatory instruments and that the Czech Republic as the EU Member State has a duty to adopt the Action Plan in the form of specific complex conception document with content which will be clearly delimited. (Supreme Administrative Court)

5. CONCLUSION

This contribution is focused on conception documents which are to be implemented by EU Member States based on the EU legislation in the field of air protection. Three different kinds of conception documents were identified:

- emission reduction programmes,
- air quality plans,
- short term action plans.

These programmes and plans have specific objectives and different contents, nevertheless, there are strong interrelations between them since while drawing up emissions reduction programmes, Member States should take into account the need to reduce emissions in zones and agglomerations affected by excessive concentration of air pollutants and in those zones and agglomerations that contribute significantly to air pollution in other zones and agglomerations. Emission reduction programmes should, to the end, contribute to the successful implementation of air quality plans. These air quality plans could be hardly effective without control of individual sources of air pollution. Therefore it can be said that all of these conception documents are aimed at achievement and attainment of a good quality of the ambient air that would not pose a threat to human health and the environment.

The basic features of emission reduction programmes, air quality plans and short-term action plans were described. The EU law indicates their content even though it usually is common for the Member State to choose the way how the Directive is implemented. All kinds of conception documents have mandatory character at least in relation to the basic air polluting substances. The Czech national law sets requirement regarding to their content in the Air Protection Act, resp. in its Annex. It was found out that the Czech Republic implemented Directive 2008/50/EC incorrectly by incorporating short term measures into different legislative instruments instead of adopting short term action plans.

The biggest difficulties are related to content of air quality plans, because appropriateness of the proposed measures is assessed in relation to exceedance period, which should be kept “as short as possible”. While Member States may balance their interests and have a certain degree of discretion in deciding which measures to adopt, those measures must, in any event, ensure that the period during which the limit values are exceeded is as short as possible. The compliance with this requirement is possible to determine by assessment of each individual case. Moreover, it was discovered that it is not sufficient for the Member States to adopt air quality plans even with effective measures without their proper implementation and enforcement in decision-making processes. Therefore, these documents should have binding character for competent national authorities or the authorities at least must respect the proposed measures. This means that their decisions must come out of the conception documents and that these documents are interrelated to each other and to other regulatory instruments. At the same time, the law should provide enforcement tools. Without this, positive results could hardly be achieved,

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