

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.
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The Manual should be cited as follows:

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Historic legislation: Exchange of information

Formal reference 97/101/EC (OJ L35 5.2.97)	Decision establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States.
Proposed 7.9.94 – COM(94)345	
2001/752/EC	Decision amending the Annexes to Council Decision 97/101/EC
Legal base	Article 192 TFEU (originally Article 130s EEC)
Binding dates Notification date Exchange of information	1 January 1997 Annually, the first information to be provided by 1 October 1998.

Decision 97/101/EC was repealed by the consolidated Air Quality Framework Directive [2008/50/EC](#) as the Directive entered into force on 11 June 2008.

Purpose of the Decisions

Decision 97/101/EC provided for the setting up of an exchange of information on a number of substances causing air pollution. Earlier Decision [75/441/EEC](#), concerned only with sulphur dioxide and smoke, and Decision [82/549/EEC](#) had provided for similar information exchanges but were time limited and so had ceased to apply. Decision 97/101/EC was not time limited.

Summary of the Decisions

Decision 75/441/EEC

Decision 75/441/EEC set up a system for exchange of data on sulphur dioxide and smoke (suspended particulates). Sampling or monitoring stations were to be designated according to demographic, geographic and pollution level parameters. Thus each Member State was to specify a maximum of five sites in each of five categories of urban population. The data (daily average concentrations) were to be sent monthly to the Commission within six months of measurements. The Commission was required to submit an annual report to Member States.

Decision 82/549/EEC

Decision 82/459/EEC replaced Decision 75/441/EEC and, in addition to sulphur dioxide and smoke, required data on suspended particulates of heavy metals (cadmium, lead, etc.), nitrogen oxides, carbon monoxide and ozone. The data were to be sent annually to the Commission in a specified form within six months of the end of the annual measurement period. The dates by which the new system came into effect varied according to pollutants, with those for sulphur dioxide and smoke going back to 1 January 1979 to ensure continuity. In addition to the stations selected under the earlier Decision, Member States were required to select additional stations to be representative of the conditions for the pollutant concerned. The Decision ceased to apply in June 1989.

Decision 97/101/EC

Decision 97/101/EC was based on experience with the previous two instruments and was established to provide a more complete and representative exchange of information, increasing the number of pollutants considered. It re-established a reciprocal exchange of information from networks and individual stations operating in the Member States. The Commission and the competent authorities of the Member States were responsible for operating the exchange but the European Environment Agency was to provide advice.

The Decision required the exchange of data for the pollutants listed in Annex I of the Air Quality Framework Directive [96/62/EC](#) on ambient air quality management. Member States were also to report on other air pollutants listed in an annex to the Decision, but only to the extent that the relevant data were available and were monitored continuously. Data were to be submitted using units of measurement and averaging times specified in the Decision. Member States had to provide data to the Commission annually, reporting by 1 October of the following year. The first report was to cover 1997 and so was due by 1 October 1998. However, in order to fill the gap in data collection between Decisions 97/101/EC and 82/549/EEC, as far as possible Member States had also to transmit the information collected after 1 October 1989. A questionnaire to assist Member States in submitting data was produced by the Commission in 2001.

The Commission was to include the data received in a database and was to prepare a technical report each year. The information was to be accessible to the public through a system set up by the European Environment Agency.

The Decision also required Member States to provide information on networks and stations. The data required were concerned with the characteristics of measurement stations and equipment, the operational procedures followed, and the structure and organization of networks. The Decision provided an indicative specification of the information to be submitted, while the Commission was to specify the minimum information which Member States had to transmit. As with air quality data, the information on networks and stations was to be entered by the Commission into a database and made available to the public by the European Environment Agency.

In October 2001 the Commission adopted Decision 2001/752/EC amending the Annexes of Decision 97/101 (list of pollutants and data on monitoring networks).

The consolidated Air Quality Framework Directive 2008/50/EC brought together a number of pieces of pre-existing EU air quality legislation, including Decision 97/101/EC, so that the monitoring and reporting requirements of the Member States were included in the Directive. Decision 97/101/EC was, therefore, repealed by Directive 2008/50/EC as the Directive entered into force on 11 June 2008.

Development of the Decisions

The first Decision 75/441/EEC was essentially a three-year pilot study. As a result of experience the replacement Decision 82/459/EEC was extended to include other air pollutants for which it was possible to get data. The annual reports for the years 1976–1982 were published. A summary report (dated May 1991) covering the entire period of the exchange from 1976 to the end of 1989 was prepared by the Commission. The report noted that the data contained in the exchanges of information were not generally comparable.

Decision 82/459/EEC officially ceased to be in force in 1989, although the scheme continued to operate informally thereafter. Decision 97/101/EC officially re-established and expanded the scheme, and went into greater detail on the data to be provided in order to overcome previous problems of lack of comparability.

Implementation of the Decision

In 2002 the Commission issued guidance¹ to the Member States to assist in their understanding of the reporting obligations of the Annexes of the Decision.

The Commission in 2003 also prepared a report on the implementation of Decision 97/101/EC². The Commission noted that many of the data submitted were required under the monitoring requirements of the Air Quality Framework Directive 96/62/EC and its daughter Directives as well as from other monitoring stations selected by the Member States for the purpose of reciprocal data exchange. Overall, the Commission considered the information-gathering process a success, but there were some implementation issues which the Commission proposed to address, for example by examining the data management processes of the European Environment Agency.

Related legislation

The overall objectives of Decision 97/101/EC 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, *Guidance on the Annexes to Decision 97/101/EC on Exchange of Information* as revised by Decision 2001/752/EC, <http://ec.europa.eu/environment/air/pdf/guidancetoannexes97101ec.pdf>
2. European Commission, *Commission Staff Working Paper on the Implementation of Decision 97/101/EC on the Exchange of Information and Data (EoI)*, Final Report, http://ec.europa.eu/environment/air/pdf/implementation_report.pdf, Accessed 16.10.2003