

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.
- The sections also include the original links that enabled interactivity within the published on-line version of the Manual. These links no longer work.

© Copyright IEEP 2014

The Manual should be cited as follows:

Farmer, A.M. (2012) (Editor). Manual of European Environmental Policy. 1043pp. Routledge, London.

Historic legislation: Lead

Formal reference 82/884/EEC (OJ L378 31.12.82)	Directive on limit value for lead in the air.
Proposed 16.4.75 – COM(75)166 (OJ C/1975/151/22)	
Legal base	Articles 352,353 TFEU (originally Article 235 EEC Treaty)
Binding dates	
Notification date	9 December 1982
Formal compliance	9 December 1984
Report to Commission if limits exceeded	Annually from 1 July 1985*
Commission to publish report	Annually from 9 December 1986*
Commission to be informed of places likely to exceed limits and of improvement plans	9 December 1986*
Limit values should be met	9 December 1987
Plans must ensure limits achieved by	9 December 1989

*There is ambiguity about these dates because although the Directive sometimes referred to the date of notification which is clear enough, it sometimes referred to the date of ‘implementation’ which could mean the date of formal compliance (December 1984) or the date by which the limit is to be met (December 1987). Here it is assumed that the date of formal compliance is intended. In Article 3(2) a date of four years after ‘notification’ is given and in Article 3(3) a date of two years after ‘implementation’: they turn out to be the same date (December 1986).

Directive 82/884/EEC was repealed between 19 July 2001 and 1 January 2005 by Directives 96/62/EC and [1999/30/EC](#).

Purpose of the Directive

Breathing air containing lead contributes to the body burden of lead, and in order to protect human health an air quality standard was laid down.

Summary of the Directive

The concentration of lead in the air was not to exceed $2 \mu\text{g}/\text{m}^3$, expressed as an annual average mean concentration, as from December 1987. This limit value did not apply to occupational exposure (such as inside factories). Member States could set more stringent values.

Where a Member State considered that the limit value might be exceeded it was to inform the Commission, and by December 1986 submit plans for the progressive improvement

of the quality of the air in those places. These plans, drawn up on the basis of information as to the nature, origin and development of the pollution, were to describe the measures already taken or envisaged and the procedures implemented or planned. (The difference between a 'measure' and a 'procedure' was not explained.) The objective was to bring air in those places within the limit as soon as possible and at the latest by December 1989.

Sampling stations were to be installed and operated at places where individuals could be exposed continually for a long period and where there was a possibility that the limit value would not be met. Member States were to supply the Commission, at its request, with information on the sampling sites and sampling and analysis procedure. An Annex set out how to choose the sampling method, and also a reference method of analysis. If Member States used some other method of analysis they had to prove to the Commission beforehand that it would produce equivalent results.

Annually from 1 July 1985 Member States had to inform the Commission of the places where the limit had been exceeded in the previous year and of the concentrations recorded. Within a further year they had to notify the Commission of the measures taken to avoid recurrence. Annually the Commission was to publish a summary report on the application of the Directive.

Measures taken as a result of the Directive were not to bring about a significant reduction in the quality of the air where the level of lead was low compared to the limit.

A Committee was established for the adaptation to scientific and technical progress of the sampling method and the reference method of analysis.

In September 1996 the Air Framework Directive [96/62/EC](#) was adopted. This provided for the establishment of new EC air quality standards by daughter Directives, including for lead. In April 1999 the first daughter Directive was adopted. Directive 1999/30/EC introduced new limit values for, *inter alia*, lead. As a result, Directive 82/884/EEC was repealed. Some of the Directive was repealed on 19 July 2001, with Articles 1, 2, 3(1), 7, 12 and 13 of the Directive being repealed on 1 January 2005.

Development of the Directive

More than six years elapsed between the Directive being proposed and being agreed, largely because it was blocked by the United Kingdom, although other Member States were not enthusiastic for it either. The proposal was made at the same time as a proposed Directive on biological screening of the population for [lead](#) and, as a result, the air quality proposal was rather neglected.

As originally proposed the Directive would have had two standards:

- An annual mean of 2 $\mu\text{g}/\text{m}^3$ in urban residential areas and areas exposed to atmospheric lead other than motor vehicle traffic.

- A monthly median of 8 µg/m³ in areas particularly exposed to motor vehicle traffic.

A specific proposal about roadside sampling stations being between 1 and 2 m from the kerb and between 1.5 and 2 m above the ground was heavily criticized by the United Kingdom as producing results unrepresentative of air actually breathed in. This argument prevailed since the Directive as agreed instead required that ‘sampling stations are installed and operated at places where individuals may be exposed continually for a long period. . .’. In the case of roadside locations this presumably meant where people live rather than pavements where they might walk for only brief periods each day. The monthly limit of 8 µg/m³ was dropped.

Implementation of the Directive

Information on national transposition of Directive 82/884/EEC can be found in the national [execution measures](#)

In November 2002 the European Commission published a report on the state of implementation of the Directive ([COM\(2002\)609](#)). Few exceedances of limit values were reported for the period 1997–1999.

Enforcement and court cases

One case was concluded in the European Court of Justice concerning Directive 82/884/EEC. [C-13/90](#) 01/10/1991, was brought by the Commission due to the failure of France to transpose Directive 82/884/EEC. France argued that there was no need to transpose it as the legal principle already existed in French customary law. The Court stated that the fact that a practice is in conformity with the requirements of a Directive does not justify not transposing that Directive into national law by provisions capable of creating a situation which is sufficiently precise, clear and transparent to enable individuals to ascertain their rights and obligations. In order to secure the full implementation of Directives in law, and not only in fact, Member States must establish a specific legal framework in the area in question.

Related legislation

The overall objectives of Directive 82/884/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.