
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 428

ENVIRONMENTAL PROTECTION

The Air Quality Limit Values (Scotland) Regulations 2003

Made - - - - *10th September 2003*
Laid before the Scottish
Parliament - - - - *11th September 2003*
Coming into force - - *2nd October 2003*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Air Quality Limit Values (Scotland) Regulations 2003 and shall come into force on 2nd October 2003.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“agglomeration” means a zone with a population concentration in excess of 250,000 inhabitants, or, where the population concentration is 250,000 inhabitants or less, a population density per km² for which the Scottish Ministers consider that the need for ambient air to be assessed or managed is justified;

“alert threshold” has the meaning given in regulation 10(2) and (3);

“ambient air” means outdoor air in the troposphere, excluding work places;

“assessment” means any method used to measure, calculate, predict or estimate the level of a relevant pollutant, ozone or ozone precursor substances in the ambient air;

“fixed measurements” means measurements taken at fixed sites either continuously or by random sampling, the number of measurements being sufficiently large to enable the levels observed to be determined;

“information threshold” has the meaning given in regulation 10(3);

(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

“level” means the concentration of a relevant pollutant, ozone or ozone precursor substances in ambient air;

“limit value” has the meaning given in regulation 4(1);

“long-term objective” has the meaning given in regulation 5(2);

“lower assessment threshold” has the meaning given in regulation 7(8);

“margin of tolerance” means the level of the limit value by which this value may be exceeded subject to the conditions laid down in Schedule 1;

“natural events” means volcanic eruptions, seismic activities, geothermal activities, wild-land fires, high-wind events or the atmospheric resuspension or transport of natural particles from dry regions;

“oxides of nitrogen” means the sum of nitric oxide and nitrogen dioxide added as parts per billion and expressed as nitrogen dioxide in microgrammes per cubic metre;

“ozone precursor substances” means substances which contribute to the formation of ground level ozone, including those listed in Schedule 6;

“PM_{2.5}” means particulate matter which passes through a size-selective inlet with a 50% efficiency cut-off at 2.5 µm aerodynamic diameter;

“PM₁₀” means particulate matter which passes through a size-selective inlet with a 50% efficiency cut-off at 10 µm aerodynamic diameter;

“public” has the meaning given in regulation 14(15);

“relevant pollutants” means sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead, benzene and carbon MONOXIDE;

“rural background station” shall be interpreted in accordance with Part II of Schedule 4;

“target value” has the meaning given in regulation 5(1);

“transboundary pollution” means ozone concentrations exceeding target values or long term objectives due largely to emissions of ozone precursor substances in other Member States;

“upper assessment threshold” has the meaning given in regulation 7(8);

“volatile organic compounds” or “VOC” means all organic compounds from anthropogenic and biogenic sources, other than methane, that are capable of producing photochemical oxidants by reaction with nitrogen oxides in the presence of sunlight; and

“zone” means a part of the territory of Scotland shown on a map published by the Scottish Executive on 19th January 2001 a copy of which is deposited at the offices of the Scottish Executive, Victoria Quay, Edinburgh, EH6 6QQ and displayed on the Scottish Executive website at www.scotland.gov.uk.

Designation of competent authority

3. The Scottish Ministers are designated as the competent authority for the purposes of article 3 (implementation and responsibilities) of Council Directive [96/62/EC](#) on ambient air quality assessment and management(2).

Duty to ensure that ambient air quality is improved

4.—(1) The Scottish Ministers shall take the measures necessary to ensure that in each zone concentrations of relevant pollutants in ambient air, as assessed in accordance with regulations 6 to 9, do not exceed the limit values set out in Schedule 1 from the dates specified in that Schedule.

(2) O.J. No. L 296, 21.11.96, p.55.

- (2) The measures taken shall—
- (a) take into account an integrated approach to the protection of air, water and soil; and
 - (b) have no significant negative effects on the environment in the other Member States.

Target values and long-term objectives for ozone

5.—(1) The target values for ozone concentrations in ambient air are set out in Part II of Schedule 2.

(2) The long-term objectives for ozone concentrations in ambient air are set out in Part III of Schedule 2.

Assessment of ambient air quality

6. The Scottish Ministers shall ensure that ambient air quality is assessed in each zone in relation to each of the relevant pollutants, ozone and ozone precursor substances in accordance with regulations 7 to 9.

Classification of zones

7.—(1) The Scottish Ministers shall, in accordance with paragraphs (3), (4) and (7), classify each zone in relation to each of the relevant pollutants according to whether ambient air quality in that zone for that pollutant is required to be assessed by—

- (a) measurements;
- (b) a combination of measurements and modelling techniques; or
- (c) by the sole use of modelling or objective estimation techniques.

(2) The Scottish Ministers shall, in accordance with paragraphs (5) and (6), classify each zone in relation to ozone according to whether ambient air quality for ozone is required to be assessed by—

- (a) fixed continuous measurement; or
- (b) a combination of measurement campaigns of short duration and results from emission inventories and modelling.

(3) Measurements must be used to assess ambient air quality in relation to a relevant pollutant in a zone if—

- (a) the zone is an agglomeration;
- (b) the levels of that pollutant in the zone are between the relevant limit values and upper assessment thresholds; or
- (c) the levels of that pollutant in the zone exceed the limit values for that pollutant.

(4) A combination of measurements and modelling techniques may be used to assess ambient air quality in any zone in relation to a relevant pollutant where the levels of that pollutant over a representative period are below the relevant upper assessment thresholds.

(5) Where during any of the previous five years of measurement, concentrations of ozone in any zone have exceeded a long term objective, fixed continuous measurement must be used to assess ambient air quality in relation to ozone.

(6) Where fewer than five years' data are available to determine exceedances, a combination of measurement campaigns of short duration and results from emissions inventories and modelling may be used to assess ambient air quality in relation to ozone in a zone.

(7) Where the levels of a relevant pollutant in any zone over a representative period are below the relevant lower assessment threshold, the sole use of modelling or objective estimation techniques for assessing levels of that pollutant is permissible unless—

- (a) the zone is an agglomeration; and
- (b) the pollutant being assessed is sulphur dioxide or nitrogen dioxide.

(8) The upper and lower assessment thresholds for the relevant pollutants are set out in Part I of Schedule 3.

(9) Where a zone is classified in relation to a pollutant under paragraph (1)(a), modelling techniques may be used for supplementing the measurements taken in order to provide an adequate level of information on ambient air quality in relation to a relevant pollutant in that zone.

(10) The classification of zones required by paragraph (1) shall include any zones which may be classified by the Scottish Ministers as exceeding limit values for—

- (a) sulphur dioxide owing to concentrations of sulphur dioxide in ambient air due to natural sources;
- (b) PM₁₀ owing to concentrations of PM₁₀ in ambient air due to—
 - (i) natural events which result in concentrations significantly in excess of normal background levels from natural sources; or
 - (ii) the resuspension of particulates following the winter sanding of roads.

Review of classifications

8.—(1) The Scottish Ministers shall review the classification of each zone under regulation 7 at least once in every five years in accordance with Part II of Schedule 3.

(2) The Scottish Ministers shall also review the classification of any zone under regulation 7 in the event of significant changes in activities affecting ambient concentrations in that zone of any of the relevant pollutants.

Method of assessment of ambient air quality

9.—(1) The Scottish Ministers shall ensure that ambient air quality is assessed in each zone by following the appropriate method for each relevant pollutant and for ozone in accordance with its current classification.

- (2) Where a zone is classified under regulation 7(1)(a) or (b) in relation to a relevant pollutant—
 - (a) measurements of that pollutant must be taken at fixed sites either continuously or by random sampling; and
 - (b) the number of measurements must be sufficiently large to enable the levels of that pollutant to be properly determined.

(3) Schedule 4 shall have effect for the purposes of determining the location of sampling points for the relevant pollutants.

(4) For each zone classified under regulation 7(1)(a) in relation to a relevant pollutant, the Scottish Ministers shall ensure that the minimum number of sampling points for fixed measurements of concentrations determined in accordance with Schedule 5 is used for sampling the concentrations of that pollutant in that zone.

(5) For each zone classified under regulation 7(1)(b) in relation to a relevant pollutant, the Scottish Ministers shall ensure that the number of sampling points for fixed measurement of that pollutant in that zone, and the spatial resolution of other techniques, shall be sufficient for the concentrations of that pollutant to be established in accordance with Part I of Schedule 4 and Part I of Schedule 7.

(6) For each zone classified under regulation 7(2)(a) in relation to ozone, the Scottish Ministers shall ensure that the minimum number of fixed sampling points determined in accordance with Part III of Schedule 5 is used for sampling the concentrations of ozone in that zone.

(7) For zones to which paragraph (6) applies, the Scottish Ministers shall ensure that measurements of nitrogen dioxide are made at a minimum of 50 per cent of the ozone sampling points required by Part III of Schedule 5.

(8) The measurements of nitrogen dioxide required by paragraph (7) shall be continuous, except at rural background stations, where other measurement methods may be used.

(9) For zones within which information from sampling points for fixed measurement is supplemented by information from modelling or indicative measurement, the number of fixed sampling points required by Part III of Schedule 5 may be reduced:

Provided that—

- (a) the modelling techniques adopted pursuant to regulation 7(9) provide an adequate level of information for the assessment of air quality with regard to target values, information and alert thresholds;
- (b) the number of sampling points to be installed and the spatial resolution of other techniques are sufficient for the concentration of ozone to be established in accordance with the data quality objectives specified in Part III of Schedule 7 and lead to assessment results as specified in Part IV of Schedule 7;
- (c) the number of sampling points in each zone amounts to at least one sampling point per two million inhabitants, or one sampling point per 50,000 km², whichever produces the greater number of sampling points;
- (d) each zone contains at least one sampling point; and
- (e) nitrogen dioxide is measured at all remaining sampling points except rural background stations.

(10) The results of modelling and indicative measurements carried out in zones to which paragraph (9) applies shall be taken into account for the assessment of air quality with respect to target values.

(11) For zones where five years of measurement have been carried out and, during each of the previous five years of measurement, concentrations are below the long-term objectives, the number of continuous measurement stations shall be determined in accordance with Part IV of Schedule 5.

(12) Part II of Schedule 4 shall have effect for determining the classification and location of sampling points for the measurement of ozone.

(13) Reference methods for—

- (a) the analysis of sulphur dioxide, nitrogen dioxide and oxides of nitrogen;
- (b) the sampling and analysis of lead;
- (c) the sampling and measurement of PM₁₀;
- (d) the sampling and analysis of benzene;
- (e) the analysis of carbon MONOXIDE; and
- (f) the analysis of ozone and the calibration of ozone instruments,

set out in Schedule 8 must be used unless other methods are used which the Scottish Ministers consider can be demonstrated to give equivalent results.

(14) The Scottish Ministers shall ensure that—

- (a) measuring stations to supply representative data on concentrations of PM_{2.5} are installed if necessary and are operated using methods for the sampling and measurement of PM_{2.5} that they consider suitable; and
- (b) sampling points for PM_{2.5} are, where possible, co-located with sampling points for PM₁₀.

(15) For ozone precursor substances, the Scottish Ministers shall ensure that—

- (a) at least one measuring station to supply data on concentrations of the ozone precursor substances listed in Schedule 6 is installed if necessary and is operated; and
- (b) in choosing the number and siting of measuring stations for ozone precursor substances, account shall be taken of the provisions of Schedule 6.

(16) For zones which are classified under regulation 7(1)(b) or (c), the Scottish Ministers shall ensure that the information set out in Part II of Schedule 7 is compiled.

(17) For sulphur dioxide, nitrogen dioxide, oxides of nitrogen, benzene, carbon MONOXIDE and ozone measurements of volume must be standardised at a temperature of 293K and a pressure of 101,3 kPa.

Action plans

10.—(1) The Scottish Ministers shall draw up action plans indicating the measures to be taken in the short term where there is any risk of the limit values for any of the relevant pollutants, or the alert thresholds for sulphur dioxide or nitrogen dioxide, being exceeded, in order to reduce that risk and to limit the duration of such an occurrence.

(2) The alert threshold for sulphur dioxide is set out in paragraph 1.2 of Part I of Schedule 1 and the alert threshold for nitrogen dioxide is set out in paragraph 2.2 of Part II of Schedule 1.

(3) The information threshold and alert threshold for ozone are set out in paragraph 1 of Part VII of Schedule 1.

(4) The Scottish Ministers shall draw up action plans indicating the measures to be taken in the short term where there is any risk of the alert threshold for ozone being exceeded if there is in their opinion significant potential to—

- (a) reduce such a risk; or
- (b) reduce the duration or severity of such an occurrence.

(5) In making the assessment required by paragraph (4), the Scottish Ministers shall take account of national geographical, meteorological and economic conditions.

(6) The Scottish Ministers shall, in relation to plans drawn up under paragraph (4) and in accordance with regulation 14(11), make available to the public—

- (a) the results of investigations undertaken in their preparation;
- (b) the plans; and
- (c) information on the implementation of the plans.

Action to be taken where limit values are exceeded

11.—(1) The Scottish Ministers shall draw up a list of zones in which the levels of one or more of the relevant pollutants are higher than—

- (a) in a case where there is no margin of tolerance shown in Schedule 1 in relation to a limit value, the limit value;
- (b) in any other case, the limit value plus the margin of tolerance shown in Schedule 1.

(2) The Scottish Ministers shall draw up a list of zones in which the levels of one or more of the relevant pollutants are between the limit value and the limit value plus any margin of tolerance.

(3) Subject to paragraphs (6), (8) and (9), the Scottish Ministers shall draw up for each zone listed under paragraph (1) a plan or programme for attaining the limit values for the pollutants in question within the time limits specified in Schedule 1 and shall secure the implementation of the plan or programme.

(4) The plan or programme shall at least include the information listed in Schedule 9.

(5) Where in any zone the level of more than one pollutant is higher than the limit values, an integrated plan covering all the pollutants in question shall be prepared.

(6) For any zone to which regulation 7(10)(a) applies, the Scottish Ministers may determine that plans or programmes shall only be required under this regulation where the limit values are exceeded owing to man-made emissions.

(7) Plans or programmes for PM₁₀ which are prepared in accordance with this regulation shall also have the aim of reducing concentrations of PM_{2.5}.

(8) For any zone to which regulation 7(10)(b)(i) applies, the Scottish Ministers may determine that plans or programmes shall only be required where the limit values are exceeded owing to causes other than natural events.

(9) For zones to which regulation 7(10)(b)(ii) applies, the Scottish Ministers may determine that the plans or programmes shall only be required where the limit values are exceeded owing to PM₁₀ levels other than those caused by the resuspension of particulates following the winter sanding of roads.

Programmes and measures to address ozone levels

12.—(1) The Scottish Ministers shall draw up three lists of zones, namely zones in which—

- (a) levels of ozone in ambient air, as assessed in accordance with regulations 7 and 9, are higher than target values;
- (b) levels of ozone in ambient air, as assessed in accordance with regulations 7 and 9, are higher than the long-term objectives, but equal to or below the target levels;
- (c) ozone levels meet the long-term objectives.

(2) The Scottish Ministers shall draw up and secure the implementation of, for each zone listed under paragraph (1)(a), a plan or programme for attaining the target values from the date specified in Part II of Schedule 2.

(3) The obligation in paragraph (2) will not apply if the Scottish Ministers consider that attaining the target values would not be achievable through proportionate measures.

(4) The Scottish Ministers shall, in drawing up and implementing plans or programmes under paragraph (2) ensure that, where appropriate, these are integrated with plans or programmes drawn up under regulation 10.

(5) Plans or programmes drawn up under paragraph (2) shall contain at least the information specified in Schedule 9, and shall, in accordance with regulation 14(11), be made available to the public.

(6) The Scottish Ministers shall for each zone listed under paragraph (1)(b) secure the implementation of measures which they consider to be cost-effective with the aim of achieving the long-term objectives.

(7) The Scottish Ministers shall ensure that the measures described in paragraph (6) are, at least, consistent with the plans or programmes drawn up under paragraph (2).

(8) The Scottish Ministers shall ensure, for zones to which paragraph (1)(c) applies, that—

- (a) as far as factors including transboundary pollution and meteorological conditions permit, ozone levels are kept below long-term objectives; and
- (b) they preserve through proportionate measures the best ambient air quality which they consider to be compatible with sustainable development and a high level of protection for the environment and human health.

Zones where the levels are lower than the limit value

13.—(1) The Scottish Ministers shall draw up a list of zones in which the levels of the relevant pollutants are below the limit values.

(2) The Scottish Ministers shall ensure that the levels of the relevant pollutants in these zones are maintained below the limit values and shall endeavour to preserve the best ambient air quality compatible with sustainable development.

Public information

14.—(1) The Scottish Ministers shall ensure that up-to-date information on ambient concentrations of each of the relevant pollutants and of ozone is routinely made available to the public in accordance with this regulation.

(2) Information on ambient concentrations of sulphur dioxide, nitrogen dioxide and particulate matter shall be updated—

- (a) in the case of hourly values for sulphur dioxide and nitrogen dioxide, where practicable on an hourly basis;
- (b) in all other cases, as a minimum on a daily basis.

(3) Information on ambient concentrations of lead shall be updated on a three-monthly basis.

(4) Information on ambient concentrations of benzene, as an average value over the last 12 months, shall be updated—

- (a) where practicable, on a monthly basis;
- (b) in all other cases, as a minimum on a three-monthly basis.

(5) Information on ambient concentrations of carbon MONOXIDE, as a maximum running average over eight hours, shall be updated—

- (a) where practicable, on an hourly basis;
- (b) in all other cases, as a minimum on a daily basis.

(6) The information on concentrations of ozone shall be updated—

- (a) where appropriate and practicable, on an hourly basis; and
- (b) in all other cases, as a minimum on a daily basis.

(7) Information made available with respect to each of the relevant pollutants shall include—

- (a) an indication of the extent to which limit values and alert thresholds for relevant pollutants have been exceeded over the averaging periods specified in Schedule 1; and
- (b) a short assessment of those exceedances and their effects on health.

(8) Information with respect to ozone made available shall include—

- (a) indication of each time and the extent to which ozone concentrations exceeded—
 - (i) the long-term objectives for the protection of human health;
 - (ii) the information threshold; or
 - (iii) the alert threshold,

for the relevant averaging period; and

- (b) a short assessment of those exceedances and their effects on health;
- (c) comprehensive annual reports; and
- (d) timely information about actual or predicted exceedances of the alert threshold.

(9) The annual reports referred to in paragraph (8)(c) shall, at least, contain—

- (a) for human health, an indication of all exceedances of the target values, long-term objectives or alert thresholds for the relevant averaging period; and
 - (b) for vegetation—
 - (i) an indication of any exceedance of the target value or long-term objective; and
 - (ii) where appropriate, a short assessment of the effects of any such exceedance.
- (10) The information referred to in paragraph (9)(b) may include, where appropriate—
- (a) further information and assessments on forest protection, which sets out for suburban, rural and rural background stations, based on one hour averaging, accumulated from May to July for a report of value for each year, whether levels of ozone concentrations in ambient air exceed 6,000(g/m³ per hour; and
 - (b) information on ozone precursor substances insofar as these are not covered by existing Community legislation.
- (11) Information and reports required to be made available by this regulation shall be published by appropriate means including, as appropriate, broadcast media, press, publications, information screens, the internet or other computer network services.
- (12) The Scottish Ministers shall ensure that where information is provided to the public under paragraphs (7) and (13)—
- (a) where there has been an exceedance of the information and alert threshold for ozone it shall include the information specified in paragraph 2 of Part VII of Schedule 1; and
 - (b) where practicable, the information specified in paragraph 2 of Part VII of Schedule 1 shall be provided where an exceedance of the information threshold or alert threshold for ozone is predicted.
- (13) When an alert threshold for sulphur dioxide or nitrogen dioxide is exceeded, the Scottish Ministers shall ensure that the necessary steps are taken to inform the public, and the information made available shall as a minimum include the information specified in paragraphs 1.3 of Part I and 2.3 of Part II, as applicable, of Schedule 1.
- (14) Information to be made available to the public under this regulation shall include the map mentioned in the definition of “zone” in regulation 2 and action plans, plans and programmes prepared under regulations 10 and 11 respectively.
- (15) For the purposes of this regulation, the public includes, but is not limited to, health care bodies and organisations having an interest in ambient air quality and representing the interests of sensitive populations, consumers and the environment.
- (16) Information made available under this regulation shall be clear, comprehensible and accessible.

Information requirements

15.—(1) The Scottish Ministers shall ensure that the information specified in Part I of Schedule 10 is obtained and collated.

(2) The criteria for aggregating data and calculating statistical parameters specified in Part II of Schedule 10 shall apply.

Revocations and transitional provisions

16.—(1) The Ozone Monitoring and Information Regulations 1994⁽³⁾, the Air Quality Limit Values (Scotland) Regulations 2001⁽⁴⁾ and the Air Quality Limit Values (Scotland) Amendment Regulations 2002⁽⁵⁾ are hereby revoked.

(2) The Air Quality Standards Regulations 1989⁽⁶⁾, insofar as they apply to Scotland, are revoked to the extent specified in paragraphs (3) and (4).

(3) Regulation 2(1) (limit values for sulphur dioxide and suspended particulates) and regulation 4(1) (limit value for lead in air) shall be revoked with effect from 1st January 2005.

(4) Regulation 6 (limit value for nitrogen dioxide in the atmosphere) shall be revoked with effect from 1st January 2010.

(5) Until 1st January 2005, if the methods prescribed by these Regulations for the assessment of suspended particulate matter are used for the purpose of demonstrating compliance with Annex IV of Council Directive [80/779/EEC](#) of 15th July 1980 on air quality limit values and guide values for suspended particulates⁽⁷⁾, the data so collected shall be multiplied by a factor of 1.2.

St Andrew's House, Edinburgh
10th September 2003

ALLAN WILSON
Authorised to sign on behalf of the Scottish
Ministers

(3) [S.I.1994/440](#).

(4) [S.I. 2001/224](#).

(5) [S.S.I. 2002/556](#).

(6) [S.I. 1989/317](#), amended by [S.I. 1995/3146](#) and [S.S.I. 2001/224](#).

(7) O.J. No. L 229, 30.8.1980, p.30.

SCHEDULE 1

Regulations 2, 4(1), 10(2), (3), 11(1),(3),
14(12), (13)LIMIT VALUES, MARGINS OF TOLERANCE,
INFORMATION AND ALERT THRESHOLDSPART I
SULPHUR DIOXIDE**Limit values for sulphur dioxide**

	<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of tolerance (a)</i>	<i>Date by which limit value is to be met</i>
1. Hourly limit value for the protection of human health	1 hour	350 µg/m ³ , not to be exceeded more than 24 times a calendar year	60 µg/m ³ , reducing to 30µg/m ³ on 1st January 2004 and to 0 µg/m ³ on 1st January 2005	1st January 2005
2. Daily limit value for the protection of human health	24 hours	125 µg/m ³ , not to be exceeded more than 3 times a calendar year	None	1st January 2005

Alert threshold for sulphur dioxide

1.2. 500 µg/m³ measured over three consecutive hours at locations representative of air quality over at least 100 km² or an entire zone, whichever is the smaller.

Minimum details to be made available to the public when the alert threshold for sulphur dioxide is exceeded

1.3. Details to be made available to the public should include at least—

- (a) the date, hour and place of the occurrence and the reasons for the occurrence, where known;
- (b) any forecasts of—
 - (i) changes in concentration (improvement, stabilisation, or deterioration), together with the reasons for those changes;
 - (ii) the geographical area concerned; and
 - (iii) the duration of the occurrence;
- (c) the type of population potentially sensitive to the occurrence; and
- (d) the precautions to be taken by the sensitive population concerned.

PART II

NITROGEN DIOXIDE (NO₂) AND OXIDES OF NITROGEN (NO_x)

Limit values for nitrogen dioxide and oxides of nitrogen

	<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of tolerance</i>	<i>Date by which limit value is to be met</i>
1. Hourly limit value for the protection of human health	1 hour	200 µg/m ³ NO ₂ , not to be exceeded more than 18 times a calendar year	70 µg/m ³ , reducing on 1st January 2004 and on 1st January of each following year by equal annual amounts to reach 0 µg/m ³ by 1st January 2010	1st January 2010
2. Annual limit value for the protection of human health	Calendar year	40 µg/m ³ NO ₂	14 µg/m ³ , reducing on 1st January 2004 and on 1st January of each following year by equal annual amounts to reach 0 µg/m ³ by 1st January 2010	1st January 2010

Alert threshold for nitrogen dioxide

2.2. 400 µg/m³ measured over three consecutive hours at locations representative of air quality over at least 100 km² or an entire zone or agglomeration, whichever is the smaller.

Minimum details to be made available to the public when the alert threshold for nitrogen dioxide is exceeded

2.3. Details to be made available to the public should include at least—

- (a) the date, hour and place of the occurrence and the reasons for the occurrence, where known;
- (b) any forecasts of—
 - (i) changes in concentration (improvement, stabilisation, or deterioration), together with the reasons for those changes;
 - (ii) the geographical area concerned; and
 - (iii) the duration of the occurrence;
- (c) the type of population potentially sensitive to the occurrence; and
- (d) the precautions to be taken by the sensitive population concerned.

PART III

PARTICULATE MATTER (PM₁₀)

	<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of tolerance</i>	<i>Date by which limit value is to be met</i>
1. 24-hour limit value for the protection of human health	24 hours	50 µg/m ³ PM ₁₀ , not to be exceeded more than 35 times a calendar year	10 µg/m ³ , reducing on 1st January 2004 to 5 µg/m ³ and on 1st January 2005 to 0 µg/m ³ .	1st January 2005
2. Annual limit value for the protection of human health	Calendar year	40 µg/m ³ PM ₁₀	3.2 µg/m ³ , reducing on 1st January 2004 to 1.6µg/m ³ and on 1st January 2005 to 0 µg/m ³	1st January 2005

PART IV

LEAD

	<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of tolerance</i>	<i>Date by which limit value is to be met</i>
Annual limit value for the protection of human health	Calendar year	0.5 µg/m ³	0.2 µg/m ³ , reducing on 1st January 2004 to 0.1µg/m ³ and on 1st January 2005 to 0 µg/m ³	1st January 2005

PART V

BENZENE

	<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of tolerance</i>	<i>Date by which limit value is to be met</i>
Limit value for the protection of human health	Calendar year	5µg/m ³	5µg/m ³ reducing on 1st January 2006 and every 12 months thereafter by 1	1st January 2010

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of tolerance</i>	<i>Date by which limit value is to be met</i>
		$\mu\text{g}/\text{m}^3$ to reach $0 \mu\text{g}/\text{m}^3$ by 1st January 2010	

PART VI CARBON MONOXIDE

<i>Averaging period</i>	<i>Limit value</i>	<i>Margin of tolerance</i>	<i>Date by which limit value is to be met</i>
Limit value for the protection of human health	Maximum daily 8-hour mean $10\text{mg}/\text{m}^3$	$4 \text{mg}/\text{m}^3$ reducing on 1st January 2004 to $2 \text{mg}/\text{m}^3$, and to $0 \text{mg}/\text{m}^3$ on 1st January 2005	1st January 2005

6.2. The maximum daily 8-hour mean concentration shall be selected by examining 8-hour running averages, calculated from hourly data and updated each hour. Each 8-hour average so calculated shall be assigned to the day on which it ends, i.e. the first calculation period for any one day shall be the period from 17:00 on the previous day to 0100 on that day; the last calculation period for any one day shall be the period from 1600 to 2400 on that day.

PART VII OZONE

Information and alert thresholds for ozone

	<i>Parameter</i>	<i>Threshold</i>
Information threshold	1 hour average	$180\mu\text{g}/\text{m}^3$
Alert threshold	1 hour average ^(a)	$240\mu\text{g}/\text{m}^3$

(a) The exceedance of the threshold is to be measured or predicted for three consecutive hours.

Minimum details to be supplied to the public when the information or alert threshold is exceeded or exceedance is predicted

7.2. Details to be supplied to the public on a sufficiently large scale as soon as possible should include the following.

1. Information on any observed exceedance—

(1)

- (a) the location or area of the exceedance;
 - (b) the type of threshold exceeded (information threshold or alert threshold);
 - (c) the time at which the exceedance began and its duration; and
 - (d) the highest 1-hour and 8-hour mean concentration.
2. Forecast for the following afternoon, day or days–
- (a) the geographical area of expected exceedances of an information threshold or alert threshold;
 - (b) the expected change in pollution, that is, improvement, stabilisation or deterioration.
3. Information on the type of population concerned, possible health effects and recommended conduct–
- (a) information on population groups at risk;
 - (b) description of likely symptoms;
 - (c) recommended precautions to be taken by the population concerned; and
 - (d) where to find further information.
4. Information provided under this Schedule shall also include–
- (a) information on preventive action to reduce pollution or exposure to it;
 - (b) an indication of main source sectors; and
 - (c) recommendations for action to reduce emissions.

SCHEDULE 2

Regulations 5, 12(2)

TARGET VALUES AND LONG-TERM OBJECTIVES FOR OZONE CONCENTRATIONS IN AMBIENT AIR

PART I

DEFINITIONS AND INTERPRETATION

1.1. In this Schedule–

- (a) all values shall be expressed in $\mu\text{g}/\text{m}^3$;
- (b) the volume shall be standardised at the following conditions of temperature and pressure: 293K and 101,3kPa;
- (c) the time shall be specified in Central European Time;
- (d) “AOT40” (expressed in $(\mu\text{g}/\text{m}^3)$ hours) means the sum of the difference between hourly concentrations greater than 80 (g/m^3 (which equals 40 parts per billion) and 80 (g/m^3 over a given period using only the 1 hour values measured between 8:00 and 20:00 Central European Time each day;
- (e) in order to be valid, the annual data on exceedances used to check compliance with the target values and long-term objectives below must meet the criteria set out in Part II of Schedule 10.

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PART II

TARGET VALUES FOR OZONE

<i>Parameter</i>	<i>Target value for 2010^(a)</i>
1. Target value for the protection of human health Maximum daily 8-hour mean ^(b)	120 µg/m ³ not to be exceeded on more than 25 days per calendar year averaged over three years ^(c)
2. Target value for the protection of human health AOT 40, calculated from 1H values from May to July	18,000 µg/m ³ .h averaged over five years ^(c)
(a) Compliance with target values will be assessed as of this value. That is, 2010 will be the first year the data for which is used in calculating compliance over three or five years, as appropriate.	
(b) The maximum daily 8-hour mean concentration shall be selected by examining 8 hour running averages, calculated from hourly data and updated each hour. Each 8 hour average so calculated shall be assigned to the day on which it ends, that is, the first calculation period for any one day shall be the period from 1700 on the previous day to 0100 on that day; the last calculation period for any one day will be the period from 1600 to 2400 on the day.	
(c) If the three or five year averages cannot be determined on the basis of a full and consecutive set of annual data, the minimum annual data required for checking compliance with the target values shall be as follows:–	
(i) for the target value for the protection of human health, valid data for one year; and	
(ii) for the target value for the protection of vegetation, valid data for three years.	

PART III

LONG-TERM OBJECTIVES FOR OZONE

Parameter	Long-term objective
1. Long-term objective for the protection of human health Maximum daily 8-hour mean within a calendar year	120 µg/m ³
2. Long-term objective for the protection of vegetation AOT40, calculated from 1 h values from May to July	6,000 µg/m ³ .h

SCHEDULE 3

Regulations 7(8), 8(1)

UPPER AND LOWER ASSESSMENT THRESHOLDS AND EXCEEDANCES

PART I

UPPER AND LOWER ASSESSMENT THRESHOLDS

1.1. The following upper and lower assessment thresholds will apply:–

SULPHUR DIOXIDE

(1)
(1)
(1)
(1)

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(a)	<i>Health protection</i>	<i>Ecosystem protection</i>
Upper assessment threshold	60% of 24-hour limit value (75 $\mu\text{g}/\text{m}^3$), not to be exceeded more than 3 times in any calendar year	60% of winter limit value (12 $\mu\text{g}/\text{m}^3$)
Lower assessment threshold	40% of 24-hour limit value (50 $\mu\text{g}/\text{m}^3$), not to be exceeded more than 3 times in any calendar year	40% of winter limit value (8 $\mu\text{g}/\text{m}^3$)

NITROGEN DIOXIDE AND OXIDES OF NITROGEN

(b)	<i>Hourly limit value for the protection of human health (NO_2)</i>	<i>Annual limit value for the protection of human health (NO_2)</i>	<i>Annual limit value for the protection of vegetation (NO_x)</i>
Upper assessment value	70% of limit value (140 $\mu\text{g}/\text{m}^3$), not to be exceeded more than 18 times in any calendar year	80% of limit value (32 $\mu\text{g}/\text{m}^3$)	80% of limit value (24 $\mu\text{g}/\text{m}^3$)
Lower assessment value	50% of limit value (100 $\mu\text{g}/\text{m}^3$), not to be exceeded more than 18 times in any calendar year	65% of limit value (26 $\mu\text{g}/\text{m}^3$)	65% of limit value (19.5 $\mu\text{g}/\text{m}^3$)

PARTICULATE MATTER

(c)	<i>24-hour average</i>	<i>Annual average</i>
Upper assessment threshold	60% of limit value (30 $\mu\text{g}/\text{m}^3$), not to be exceeded more than seven times in any calendar year	70% of limit value (14 $\mu\text{g}/\text{m}^3$)
Lower assessment threshold	40% of limit value (20 $\mu\text{g}/\text{m}^3$), not to be exceeded more than seven times in any calendar year	50% of limit value (10 $\mu\text{g}/\text{m}^3$)

LEAD

(d)	<i>Annual average</i>
Upper assessment threshold	70% of limit value (0.35 $\mu\text{g}/\text{m}^3$)
Lower assessment threshold	50% of limit value (0.25 $\mu\text{g}/\text{m}^3$)

BENZENE

(e)	<i>Annual Average</i>
Upper assessment threshold	70% of limit value (3.5 $\mu\text{g}/\text{m}^3$)

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	<i>Annual Average</i>
Lower assessment threshold	40% of limit value (2 µg/m ³)
<i>CARBON MONOXIDE</i>	
(f)	<i>Eight-hour average</i>
Upper assessment threshold	70% of limit value (7mg/m ³)
Lower assessment threshold	50% of limit value (5mg/m ³)

PART II

DETERMINATION OF EXCEEDANCES OF UPPER AND LOWER ASSESSMENT THRESHOLDS

2.1. Exceedances of upper and lower assessment thresholds must be determined on the basis of concentrations during the previous five years where sufficient data are available. An assessment threshold will be deemed to have been exceeded if it has been exceeded during at least three separate years out of the previous five years.

2.2. Where fewer than five years' data are available, measurement campaigns of short duration during the period of the year and at locations likely to be typical of the highest pollution levels may be combined with results obtained from emission inventories and modelling to determine exceedances of the upper and lower assessment thresholds.

SCHEDULE 4

Regulations 2, 9(3), (5), (12)

LOCATION OF SAMPLING POINTS FOR THE MEASUREMENT OF RELEVANT POLLUTANTS AND OZONE IN AMBIENT AIR

The following considerations will apply to fixed measurement.

PART I

MACROSCALE SITING

Protection of human health

- 1.1.** Sampling points directed at the protection of human health should be sited—
- to provide data on the areas within zones where the highest concentrations occur to which the population is likely to be directly or indirectly exposed for a period which is significant in relation to the averaging period of the limit value;
 - to provide data on levels in other areas within the zones which are representative of the exposure of the general population;
 - sampling points should in general be sited to avoid measuring very small micro-environments in their immediate vicinity. As a guideline, a sampling point should be sited to be representative of air quality in a surrounding area of no less than 200 m² at traffic-orientated sites and of several square kilometres at urban-background sites;

- (d) sampling points should also, where possible, be representative of similar locations not in their immediate vicinity;
- (e) account should be taken of the need to locate sampling points on islands, where that is necessary for the protection of human health.

Protection of ecosystems and vegetation

1.2. Sampling points targeted at the protection of ecosystems or vegetation should be sited more than 20 km from agglomerations or more than 5 km from other built-up areas, industrial installations or motorways. As a guideline, a sampling point should be sited to be representative of air quality in a surrounding area of at least 1000 km². A sampling point may be sited at a lesser distance or to be representative of air quality in a less extended area, taking account of geographical conditions.

Account should be taken of the need to assess air quality on islands.

1.3.

PART II

MACROSCALE SITING: OZONE

<i>Type of station</i>	<i>Objective of measurement</i>	<i>Representativeness ^(a)</i>	<i>Macroscale siting criteria</i>
Urban	<p>Protection of human health:</p> <p>To assess the exposure of the urban population to ozone, i.e. where the population density and ozone concentration are relatively high and representative of the exposure of the general population.</p>	A few km ²	<p>Away from the influence of local emissions such as traffic, petrol stations etc.;</p> <p>Vented locations where well mixed levels can be measured;</p> <p>Locations such as residential and commercial areas of cities, parks (away from the trees), big streets or squares with very little or no traffic, open areas characteristic of</p>

(a) Sampling points should also, where possible, be representative of similar locations not in their immediate vicinity.

For rural and background stations, consideration should be given, where appropriate, to co-ordination with the monitoring requirements of Commission Regulation 1091/94(8) concerning protection of the Community's forests against atmospheric pollution.

(1)

(8) O.J.L 125, 18.5.1994, p.1.

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<i>Type of station</i>	<i>Objective of measurement</i>	<i>Representativeness ^(a)</i>	<i>Macroscale siting criteria</i>
Suburban	<p>Protection of human health and vegetation:</p> <p>To assess the exposure of the population and vegetation located in the outskirts of the agglomeration, where the highest ozone levels, to which the population and vegetation is likely to be directly or indirectly exposed, occur.</p>	Some tens of km ²	<p>educations, sports or recreation facilities.</p> <p>At a certain distance from the area of maximum emissions, downwind following the main wind directions/s during conditions favourable to ozone formation;</p> <p>Where population, sensitive crops or natural ecosystems located in the outer fringe of an agglomeration are exposed to high ozone levels;</p> <p>Where appropriate, some suburban stations also upwind of the area of maximum emissions, on order to determine the regional background levels of ozone.</p>
Rural	<p>Protection of human health and vegetation:</p> <p>To assess the exposure of population, crops and natural ecosystems to sub-regional scale ozone concentrations</p>	Sub-regional levels (a few km ²)	<p>Stations can be located in small settlements and/or areas with natural ecosystems, forests or crops;</p> <p>Representative for ozone away from the influence of immediate local emissions such as industrial installations and roads;</p> <p>At open area sites, but not on higher mountain-tops.</p>

(a) Sampling points should also, where possible, be representative of similar locations not in their immediate vicinity.

For rural and background stations, consideration should be given, where appropriate, to co-ordination with the monitoring requirements of Commission Regulation 1091/94(8) concerning protection of the Community's forests against atmospheric pollution.

(1)

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<i>Type of station</i>	<i>Objective of measurement</i>	<i>Representativeness ^(a)</i>	<i>Macroscale siting criteria</i>
Rural background	Protection of vegetation and human health: To assess the exposure of crops and natural ecosystems to regional-scale ozone concentrations as well as exposure of the populations	Regional/national/ continental levels (1,000 to 10,000 km ²)	Station located in areas with lower population density, e.g. with natural ecosystems, forests, far removed from urban and industrial areas and away from local emissions; Avoid locations which are subject to locally enhanced formation of near-ground inversion conditions, also summits of higher mountains; Coastal sites with pronounced diurnal wind cycles of local character are not recommended.

(a) Sampling points should also, where possible, be representative of similar locations not in their immediate vicinity.

For rural and background stations, consideration should be given, where appropriate, to co-ordination with the monitoring requirements of Commission Regulation 1091/94(8) concerning protection of the Community's forests against atmospheric pollution.

PART III

MICROSCALE SITING

3.1. The following guidelines should be met as far as practicable:–

- (a) the flow around the inlet sampling probe should be unrestricted (and, for ozone sampling, free in an arc of at least 270°) without any obstructions affecting the airflow in the vicinity of the sampler (normally some metres away from buildings, balconies, trees and other obstacles by more than twice the height the obstacle protrudes above the sampler and at least 0.5 m from the nearest building in the case of sampling points representing air quality at the building line);
- (b) in general, the inlet sampling point should be between 1.5 m (the breathing zone) and 4 m above the ground. Higher positions (up to 8 m) may be necessary in some circumstances and in wooded areas. Higher siting may also be appropriate if the station is representative of a large area;
- (c) the inlet probe should not be positioned in the immediate vicinity of sources in order to avoid the direct intake of emissions unmixed with ambient air;

(1)

(8) O.J.L 125, 18.5.1994, p.1.

- (d) the sampler's exhaust outlet should be positioned so that recirculation of exhaust air to the sampler inlet is avoided;
- (e) in relation to the location of traffic-orientated samplers—
 - (i) for all pollutants, such sampling points should be at least 25 m from the edge of major junctions and at least 4 m from the centre of the nearest traffic lane;
 - (ii) for nitrogen dioxide and carbon MONOXIDE, inlets should be no more than 5 m from the kerbside;
 - (iii) for particulate matter, lead and benzene, inlets should be sited so as to be representative of air quality near to the building line;
 - (iv) for ozone, the inlet probe should be positioned well away from such sources as furnaces and incineration flues and more than 10m from the nearest road, with distance increasing as a function of traffic intensity.

3.2. The following factors may also be taken into account:—

- (a) interfering sources;
- (b) security;
- (c) access;
- (d) availability of electrical power and telephone communications;
- (e) visibility of the site in relation to its surroundings;
- (f) safety of public and operators;
- (g) the desirability of co-locating sampling points for different pollutants;
- (h) planning requirements.

PART IV

DOCUMENTATION AND REVIEW OF SITE SELECTION

4.1. The site-selection procedures should be fully documented at the classification stage by such means as compass-point photographs of the surrounding area and a detailed map. Sites should be reviewed at regular intervals with repeated documentation to ensure that selection criteria remain valid over time.

4.2. For ozone, this requires screening and monitoring of the monitoring data in the context of the meteorological and photochemical processes affecting the ozone concentrations measured at the respective site.

SCHEDULE 5

Regulation 9(4), (6), (7), (9), (11)

CRITERIA FOR DETERMINING MINIMUM NUMBERS OF SAMPLING POINTS FOR FIXED MEASUREMENTS OF CONCENTRATIONS OF RELEVANT POLLUTANTS AND OZONE IN AMBIENT AIR

PART I

RELEVANT POLLUTANTS: MINIMUM NUMBER OF SAMPLING POINTS FOR FIXED MEASUREMENT TO ASSESS COMPLIANCE

WITH LIMIT VALUES FOR THE PROTECTION OF HUMAN
HEALTH AND ALERT THRESHOLDS IN ZONES WHERE FIXED
MEASUREMENT IS THE SOLE SOURCE OF INFORMATION

Diffuse sources

<i>Population of zone (thousands)</i>	<i>If concentrations exceed the upper assessment threshold</i>	<i>If maximum concentrations are between the upper and lower assessment thresholds</i>	<i>For SO₂ and NO₂ in agglomerations where maximum concentrations are below the lower assessment thresholds</i>
0 –250	1	1	not applicable
250 –499	2	1	1
500 –749	2	1	1
750 –999	3	1	1
1,000 –1,499	4	2	1
1,500 –1,999	5	2	1
2,000 –2,749	6	3	2
2,750 –3,749	7	3	2
3,750 –4,749	8	4	2
4,750 –5,999	9	4	2
>6,000	10	5	3

For NO₂ and particulate matter: to include at least one urban-background station and one traffic-orientated station – this requirement shall also apply to benzene and carbon MONOXIDE provided that it does not increase the number of sampling points.

Point sources

1.2. For the assessment of pollution in the vicinity of point sources, the number of sampling points for fixed measurement should be calculated taking into account emission densities, the likely distribution patterns of ambient-air pollution and the potential exposure of the population.

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PART II

RELEVANT POLLUTANTS: MINIMUM NUMBER OF SAMPLING POINTS FOR FIXED MEASUREMENTS TO ASSESS COMPLIANCE WITH LIMIT VALUES FOR THE PROTECTION OF ECOSYSTEMS OR VEGETATION IN ZONES OTHER THAN AGGLOMERATIONS

<i>If maximum concentrations exceed the upper assessment threshold</i>	<i>If maximum concentrations are between the upper and lower assessment thresholds</i>
1 station every 20,000 km ²	1 station every 40,000 km ²
In island zones the number of sampling points for fixed measurement should be calculated taking into account the likely distribution patterns of ambient-air pollution and the potential exposure of ecosystems or vegetation.	

PART III

OZONE: MINIMUM NUMBER: OF SAMPLING POINTS FOR FIXED CONTINUOUS MEASUREMENT TO ASSESS AIR QUALITY IN VIEW OF COMPLIANCE WITH THE TARGET VALUES, LONG-TERM OBJECTIVES AND INFORMATION AND ALERT THRESHOLDS WHERE CONTINUOUS MEASUREMENT IS THE SOLE SOURCE OF INFORMATION

<i>Population (× 1,000)</i>	<i>Agglomerations (urban and suburban) ^(a)</i>	<i>Other zones (suburban and rural) ^(b)</i>	<i>Rural background</i>
0–250		1	1 station/50,000 km ² as an average density over all zones
251–500	1	2	“
501–1,000	2	2	“
1,001–1,500	3	3	“
1,501–2,000	3	4	“
2,001–2,750	4	5	“
2,751–3,750	5	6	“
> 3,750	1 additional station per 2 million inhabitants	1 additional station per 2 million inhabitants	

(a) At least 1 station in suburban areas, where the highest exposure of the population is likely to occur. In agglomerations at least 50% of the stations should be located in suburban areas.

(b) One station per 25,000 km² for complex terrain is recommended.

PART IV

OZONE: MINIMUM NUMBER OF SAMPLING POINTS FOR FIXED MEASUREMENTS FOR ZONES ATTAINING THE LONG-TERM OBJECTIVES

4.1. The number of sampling points for ozone must, in combination with other means of supplementary assessment such as air quality modelling and co-located nitrogen dioxide measurements, be sufficient to examine the trend of ozone pollution and check compliance with the long-term objectives. The number of stations located in agglomerations and other zones may be reduced to one-third of the number specified in Part III. Where information from fixed measurement stations is the sole source of information, at least one monitoring station should be kept. If, in zones where there is supplementary assessment, the result of this is that a zone has no remaining station, co-ordination with the number of stations in neighbouring zones must ensure adequate assessment of ozone concentrations against long-term objectives. The number of rural background stations should be 1 per 100,000 km².

SCHEDULE 6

Regulations 2, 9(15)

MEASUREMENTS OF OZONE PRECURSOR SUBSTANCES

Objectives

1.1. The main objectives of measurements of ozone precursor substances are to analyse any trend in ozone precursors, to check the efficiency of emission reduction strategies, to check the consistency of emission inventories and to help attribute emission sources to pollution concentration.

An additional aim is to support the understanding of ozone formation and precursor dispersion processes, as well as the application of photochemical models.

Substances

1.2. Measurements of ozone precursor substances must include at least nitrogen oxides, and appropriate volatile organic compounds (VOC). A list of volatile organic compounds recommended for measurement is given below.

<i>Ethane</i>	<i>1-Butene</i>	<i>Isoprene</i>	<i>Ethyl benzene</i>
Ethylene	trans-2-Butene	n-Hexane	M+p-Xylene
Acetylene	cis-2-Butene	i-Hexane	o-Xylene
Propane	1.3-Butadiene	n-Heptane	1,2,4-Trimeth. Benzene
Propene	n-Pentane	n-Octane	1,2,3-Trimeth. Benzene
n-Butane	i-Pentane	i-Octane	1,3,5-Trimeth. Benzene
i-Butane	1-Pentene	Benzene	Formaldehyde
	2-Pentene	Toluene	Total non-methane hydrocarbons

Reference methods

1.3. The reference method for the analysis of oxides of nitrogen shall be ISO 7996:1985, Ambient air – determination of the mass concentrations of nitrogen oxides – chemiluminescence method

Siting

1.4. Measurements should be taken in particular in urban and suburban areas at any monitoring site set up in accordance with the requirements of these Regulations and considered appropriate with regard to the monitoring objectives in this Schedule.

SCHEDULE 7

Regulation 9(5), (9), (16)

DATA-QUALITY OBJECTIVES AND COMPILATION OF RESULTS OF AIR-QUALITY ASSESSMENT

PART I

RELEVANT POLLUTANTS : DATA-QUALITY OBJECTIVES

1.1. The following data-quality objectives for the required accuracy of assessment methods, of minimum time coverage and of data capture of measurement are laid down to guide quality-assurance programmes.

	<i>Sulphur dioxide, nitrogen dioxide and oxides of nitrogen</i>	<i>Particulate matter and lead</i>
Continuous measurement		
Accuracy	15%	25%
Minimum data capture	90%	90%
Indicative measurement		
Accuracy	25%	50%
Minimum data capture	90%	90%
Minimum time coverage	14% (One measurement a week at random, evenly distributed over the year, or eight weeks evenly distributed over the year.)	14% (One measurement a week at random, evenly distributed over the year, or eight weeks evenly distributed over the year.)
Modelling		
Accuracy		
Hourly averages	50%–60%	
Daily averages	50%	
Annual averages	30%	50%
Objective estimation		

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	<i>Sulphur dioxide, nitrogen dioxide and oxides of nitrogen</i>	<i>Particulate matter and lead</i>
Accuracy:	75%	100%

1.2. The accuracy of the measurement is defined as laid down in the “Guide to the Expression of Uncertainty of Measurements” (ISO 1993)⁽⁹⁾ or in ISO 5725-1 “Accuracy (trueness and precision) of measurement methods and results” (ISO 1994)⁽⁹⁾. The percentages in the table are given for individual measurements averaged, over the period considered, by the limit value, for a 95% confidence interval (bias + two times the standard deviation). The accuracy for continuous measurements should be interpreted as being applicable in the region of the appropriate limit value.

1.3. The accuracy for modelling and objective estimation is defined as the maximum deviation of the measured and calculated concentration levels, over the period considered by the limit value, without taking account the timing of the events.

1.4. The requirements for minimum data capture and time coverage do not include losses of data due to the regular calibration or the normal maintenance of the instrumentation.

1.5. The Scottish Ministers may allow for random measurements to be made instead of continuous measurements for particulate matter and lead by methods for which accuracy within the 95% confidence interval with respect to continuous monitoring has been demonstrated to be within 10%. Random sampling must be spread evenly over the year.

1.6. The following data quality objectives, for allowed uncertainty of assessment methods, of minimum time coverage and of data capture of measurement are provided to guide quality assurance programmes.

	<i>Benzene</i>	<i>Carbon monoxide</i>
Fixed measurements		
Uncertainty	25%	15%
Minimum data capture	90%	90%
Minimum time coverage	35% urban background and traffic sites (distributed over the year to be representative of various conditions for climate and traffic) 90% industrial sites	
Indicative measurements		
Uncertainty	30%	25%
Minimum data capture	90%	90%
Minimum time coverage	14% (one day’s measurement a week at random, evenly distributed over the year, or 8	14% (one measurement a week at random, evenly distributed over the year, or 8 weeks

(9) The copies of the International Standards Organisation publications referred to in these Regulations can be purchased from the British Standards Institution “BSI” sales department either by telephone on 0208-996-9001 or by post from the BSI, Standards House, 389 Chiswick High Road, London W4 4AL.

(9) The copies of the International Standards Organisation publications referred to in these Regulations can be purchased from the British Standards Institution “BSI” sales department either by telephone on 0208-996-9001 or by post from the BSI, Standards House, 389 Chiswick High Road, London W4 4AL.

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	<i>Benzene</i>	<i>Carbon monoxide</i>
	weeks evenly distributed over the year)	evenly distributed over the year)
Modelling		
Uncertainty	–	50%
Eight-hour averages Annual averages	50%	–
Objective estimation		
Uncertainty	100%	75%

1.7. The uncertainty (on a 95% confidence interval) of the assessment methods shall be evaluated in accordance with the “Guide to the Expression of Uncertainty of Measurements” (ISO 1993) or the methodology of ISO 5725:1994. The percentages for uncertainty in the above table are given for individual measurements averaged over the period considered by the limit value, for a 95% confidence interval. The uncertainty for the fixed measurements should be interpreted as being applicable in the region of the appropriate limit value.

1.8. The uncertainty for modelling and objective estimation is defined as the maximum deviation of the measured and calculated concentration levels, over the period considered by the limit value, without taking into account the timing of the events.

1.9. The requirements for minimum data capture and time coverage do not include losses of data due to the regular calibration or the normal maintenance of the instrumentation.

1.10. The Scottish Ministers may allow for random measurements to be made instead of continuous measurements for benzene if the uncertainty, including the uncertainty due to random sampling, meets the quality objective of 25%. Random sampling must be spread evenly over the year.

PART II

RELEVANT POLLUTANTS: RESULTS OF AIR QUALITY ASSESSMENT

2.1. The following information should be compiled for zones within which sources other than measurement are employed to supplement information from measurement or as the sole means of air quality assessment:–

- (a) a description of assessment activities carried out;
- (b) the specific methods used, with references to descriptions of the method;
- (c) the sources of data and information;
- (d) a description of results, including accuracies and, in particular, the extent of any area or, if relevant, the length of road within the zone over which concentrations exceed limit value or, as may be, the limit values plus applicable margins of tolerance and of any area within which concentrations exceed the upper assessment threshold or the lower assessment threshold;
- (e) for limit values the object of which is the protection of human health, the population potentially exposed to concentrations in excess of the limit value.

2.2. Where possible maps shall be compiled showing concentration distributions within each zone.

PART III

OZONE AND OZONE PRECURSOR SUBSTANCES: DATA QUALITY OBJECTIVES

3.1. The following data quality objectives, for allowed uncertainty of assessment methods, and of minimum time coverage and of data capture of measurement, are provided to guide quality-assurance programmes.

<i>For ozone, NO and NO₂</i>	
Continuous fixed measurement	
Uncertainty of individual measurements	15%
Minimum data capture	90% during summer 75% during winter
Indicative measurement	
Uncertainty of individual measurements	30%
Minimum data capture	90%
Minimum data coverage	>10% during winter
Modelling	
Uncertainty	50%
1 hour averages (daytime)	50%
8 hours daily maximum	
Objective estimation	
Uncertainty	75%

3.2. The uncertainty (on a 95% confidence interval) of the measurement methods shall be evaluated in accordance with the principles laid down in the “Guide to the Expression of Uncertainty of Measurements” (ISO 1993) of the methodology in ISO 5725-1 “Accuracy (trueness and precision) of measurement methods and results” (ISO 1994) or equivalent. The percentages for uncertainty in the table are given for individual measurements, averaged over the period for calculating target values and long-term objectives, for a 95% confidence interval. The uncertainty for continuous fixed measurements should be interpreted as being applicable in the region of the concentration used for the appropriate threshold.

3.3. The uncertainty for modelling and objective estimation means the maximum deviation of the measured and calculated concentration levels, over the period for calculating the appropriate threshold, without taking into account the timing of events.

3.4. “Time coverage” means the percentage of time considered for settling the threshold value during which the pollutant is measured.

3.5. “Data capture” means the ratio of the time for which the instrument produces valid data, to the time for which the statistical parameter or aggregated value is to be calculated.

3.6. The requirements for minimum data capture and time coverage do not include losses of data due to the regular calibration or normal maintenance of the instrumentation.

PART IV

OZONE AND OZONE PRECURSOR SUBSTANCES: RESULTS OF AIR QUALITY ASSESSMENT

4.1. The following information should be compiled for zones within which sources other than measurements are employed to supplement information from measurement:–

- (a) a description of the assessment activities carried out;
- (b) specific methods used, with references to descriptions of the method;
- (c) sources of data and information;
- (d) a description of results, including uncertainties and, in particular, the extent of any area within the zone over which concentrations exceed long-term objectives or target values;
- (e) for long-term objectives or target values whose object is the protection of human health, the population potentially exposed to concentrations in excess of the threshold.

4.2. The Scottish Ministers shall ensure that maps are compiled showing concentration distributions within each zone.

SCHEDULE 8

Regulation 9(13)

REFERENCE METHODS FOR ASSESSMENT OF CONCENTRATIONS OF RELEVANT POLLUTANTS AND OZONE

PART I

REFERENCE METHOD FOR THE ANALYSIS OF SULPHUR DIOXIDE

ISO/FDIS 10498 (Standard in draft) Ambient air – determination of sulphur dioxide – ultraviolet fluorescence method.

PART II

REFERENCE METHOD FOR THE ANALYSIS OF NITROGEN DIOXIDE AND OXIDES OF NITROGEN

ISO 7996: 1985 Ambient air – determination of the mass concentrations of nitrogen oxides – chemiluminescence method.

PART IIIA

REFERENCE METHOD FOR THE SAMPLING OF LEAD

The reference method for the sampling of lead will be that described in the Annex to Directive [82/884/EEC\(10\)](#) until such time as the limit value in Schedule 1 to these Regulations is to be met, when the reference method will be that for PM₁₀ specified in Part IV of this Schedule.

(10) O.J. No. L 378, 31.12.1982, p.15.

PART IIIB

REFERENCE METHOD FOR THE ANALYSIS OF LEAD

ISO 9855: 1993 Ambient air – Determination of the particulate lead content of aerosols collected in filters. Atomic absorption spectroscopy method(11).

PART IV

REFERENCE METHOD FOR THE SAMPLING AND MEASUREMENT OF PM₁₀

The reference method for the sampling and measurement of PM₁₀ will be that described in EN 12341 “Air Quality – Field Test Procedure to Demonstrate Reference Equivalence of Sampling Methods for the PM₁₀ fraction of particulate matter”(12). The measurement principle is based on the collection on a filter of the PM₁₀ fraction of ambient particulate matter and the gravimetric mass determination.

PART V

REFERENCE METHOD FOR THE SAMPLING AND ANALYSIS OF BENZENE

The reference method for the measurement of benzene will be a pumped sampling method on a sorbent cartridge followed by gas chromatographic determination.

PART VI

REFERENCE METHOD FOR THE ANALYSIS OF CARBON MONOXIDE

The reference method for the measurement of carbon MONOXIDE will be a non-dispersive infrared spectrometric (NDIR) method.

PART VII

REFERENCE METHODS FOR THE ANALYSIS OF OZONE AND CALIBRATION OF OZONE INSTRUMENTS

The reference method for analysis of ozone shall be the UV photometric method (ISO FDIS 13964 or equivalent).

The reference method for calibration of ozone instruments shall be the Reference UV photometer method (ISO FDIS 13964, VDI 2468, B1.6 or equivalent).

(11) European Standards Institute “CEN” publication reference BSEN 12341, obtainable from the British Standards Institution, see note (a) to Part I of Schedule 7 above.

(12) European Standards Institute “CEN” publication reference BSEN 12341, obtainable from the British Standards Institution, as for footnote (a) to Part I of Schedule 7 above.

SCHEDULE 9

Regulations 11(4), 12(5)

INFORMATION TO BE INCLUDED IN THE PLAN OR
PROGRAMME FOR IMPROVEMENT OF AIR QUALITY

Localisation of excess pollution

- (a) (a) region
- (b) city (map)
- (c) measuring station (map, geographical coordinates).

General information

- (a) (a) type of zone (city, industrial or rural area)
- (b) estimate of the polluted area (km²) and of the population exposed to the pollution
- (c) useful climatic data
- (d) relevant data on topography
- (e) sufficient information on the type of targets requiring protection in the zone.

Responsible authorities

1.3. Names and addresses of persons responsible for the development and implementation of improvement plans.

Nature and assessment of pollution

- (a) (a) concentrations observed over previous years (before the implementation of the improvement measures)
- (b) concentrations measured since the beginning of the project
- (c) techniques used for the assessment.

Origin of pollution

- (a) (a) list of the main emission sources responsible for pollution (map)
- (b) total quantity of emissions from these sources (tonnes/year)
- (c) information on pollution imported from other regions.

Analysis of the situation

- (a) (a) details of those factors responsible for the excess (transport, including cross border transport, formation)
- (b) details of possible measures for improvement of air quality.

Details of those measures or projects for improvement which existed prior to 21st November 1996

- (a) (a) local, regional, national, international measures
- (b) observed effects of these measures.

Details of those measures or projects adopted with a view to reducing pollution following 21st November 1996

- (a) (a) listing and description of all the measures set out in the project
- (b) timetable for implementation
- (c) estimate of the improvement of air quality planned and of the expected time required to attain these objectives.

Details of the measures or projects planned or being researched for the long term.

1.9.

List of the publications, documents, work etc. used to supplement information requested in this Schedule.

1.10.

SCHEDULE 10

Regulation 15(2)

INFORMATION TO BE OBTAINED AND COLLATED ON OZONE CONCENTRATIONS, AND CRITERIA FOR AGGREGATING DATA AND CALCULATING STATISTICAL PARAMETERS

PART I

INFORMATION ON OZONE CONCENTRATIONS

1.1. The following information on ozone concentrations shall be obtained and collated:—

	<i>Type of station</i>	<i>Level</i>	<i>Averaging/accumulation time</i>	<i>Provisional data for each month from April to September</i>	<i>Report for each year</i>
Information threshold	Any	180µg/m ³	1 hour	— for each day with any exceedance: date, total hours of exceedance, maximum 1 hour ozone and related	

(a) In this Schedule, “AOT40” has the same meaning as in paragraph (d) of Part I to Schedule 2.

(b) Maximum daily 8 hour mean.

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<i>Type of station</i>	<i>Level</i>	<i>Averaging/accumulation time</i>	<i>Provisional data for each month from April to September</i>	<i>Report for each year</i>
Alert threshold	Any	240µg/m ³	1 hour	<p>NO₂ values when required</p> <p>— monthly 1 hour maximum ozone</p> <p>— for each day with any exceedance: date, total hours of exceedance, maximum 1 hour ozone and related NO₂ values, when required</p> <p>– for each day with any exceedance: date, total hours of exceedance, maximum 1 hour ozone and related NO₂ values, when required</p> <p>– for each day with any exceedance: date, total hours of exceedance, maximum 1 hour ozone and related NO₂ values, when required</p>
Health protection	Any	120µg/m ³	8 hours	<p>– or each day with any exceedance: date, 8 hours maximum^(b)</p> <p>– or each day with any exceedance: date, 8 hours maximum^(b)</p>

(a) In this Schedule, “AOT40” has the same meaning as in paragraph (d) of Part I to Schedule 2.

(b) Maximum daily 8 hour mean.

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	<i>Type of station</i>	<i>Level</i>	<i>Averaging/accumulation time</i>	<i>Provisional data for each month from April to September</i>	<i>Report for each year</i>
Vegetation protection	Suburban, rural, rural background	AOT40 ^(a) =6,000µg/m ³ .h	1 hour, accumulated from May to June		Value
Forest protection	Suburban, rural, rural background	AOT40 ^(b) =20,000µg/m ³ .h	1 hour, accumulated from April to September		Value
Materials	Any	40µg/m ³	1 year		Value

(a) In this Schedule, "AOT40" has the same meaning as in paragraph (d) of Part I to Schedule 2.

(b) Maximum daily 8 hour mean.

1.2. Where they do not do so already, annual reports must also contain—

- (a) for ozone, nitrogen dioxide, oxides of nitrogen and the sums of ozone and nitrogen dioxide (added as parts per billion and expressed in (g/m³ ozone) the maximum, 99.9th, 98th and 50th percentiles and annual average and number of valid data from hourly series; and
- (b) the maximum, 98th and 50th percentile and annual average from a series of daily 8 hour ozone maxima.

1.3. Data submitted in monthly reports are considered provisional and shall be updated where necessary in subsequent submissions.

PART II

CRITERIA FOR AGGREGATING DATA AND CALCULATING STATISTICAL PARAMETERS

2.1. In this Part, percentiles are to be calculated using the method specified in Council Decision [97/101/EC](#) establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States(13).

2.2. The following criteria are to be used for checking validity when aggregating data and calculating statistical parameters:—

(1)

(1)

(13) O.J. No. L 035, 5.2.97, p.14.

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<i>Parameter</i>	<i>Required proportion of valid data</i>
1 hour values	75% (45 minutes)
8 hour values	75% of values (6 hours)
Maximum daily 8 hours mean from hourly running 8 hours averages	75% of the hourly running 8 hour averages (8 hours per day)
AOT40	90% of the 1 hour values over the time period defined for calculating the AOT40 value ⁽¹⁾
Annual mean	75% of the 1 hour values over summer (April to September) and winter (January to March, October to December) seasons separately
Number of exceedances and maximum values per month	90% of the daily maximum 8 hours mean value (27 available daily values per month)
	90% of the 1 hour values between 0800 and 2000 Central European Time
Number of exceedances and maximum values per year	Five out of six summer months over the summer season (April to September)
(1)	In cases where all possible measured data are not available, the following factor shall be used to calculate AOT40 values:
	$AOT40(\text{estimate}) = AOT40 \text{ measured} \times \frac{\text{total possible number of hours}^*}{\text{number of measured hourly values}}$
	*The number of hours within the time period of AOT40 definition (that is, 0800 to 2000 Central European Time from 1 May to 31 July each year, for vegetation protection and from 1 April to 30 September each year for forest protection).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [2002/3/EC](#) of the European Parliament and Council relating to ozone in ambient air (“the Third Daughter Directive”).

These Regulations also consolidate the Air Quality Limit Values (Scotland) Regulations 2001 and the Air Quality Limit Values (Scotland) Amendment Regulations 2002 which implemented Council Directive [96/62/EC](#) on ambient air quality assessment and management (“the Air Quality Framework Directive”), Council Directive [99/30/EC](#) relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (“the First Daughter Directive”) and Directive [2000/69/EC](#) of the European Parliament and Council relating to relevant values for benzene and carbon MONOXIDE in ambient air (“the Second Daughter Directive”).

(1)

These Regulations also revoke the Ozone Monitoring and Information Regulations 1994, the requirements of which have been superseded by the Third Daughter Directive.

Regulation 3 designates the Scottish Ministers as competent authority for the purposes of the Air Quality Framework Directive.

Regulation 4 places the Scottish Ministers under a duty to take the measures necessary to ensure that in each zone in Scotland, concentrations of relevant pollutants do not exceed limit values. The limit values for each pollutant, and the date by which they are to be met, are set out in Schedule 1.

Regulation 5, together with Parts II and III of Schedule 2, sets out the target values and long-term objectives for ozone.

Regulation 6 requires the Scottish Ministers to ensure that ambient air quality is assessed for each zone.

Regulation 7 requires the Scottish Ministers to classify each zone in relation to each of the relevant pollutants in accordance with the means by which ambient air quality in that zone is to be assessed.

Regulation 8 places a duty on the Scottish Ministers to review the classification of zones every five years or in the event of significant changes affecting levels of any of the relevant pollutants.

Regulation 9 requires the Scottish Ministers to ensure that specified methods are used for assessing air quality in relation to each pollutant in each zone. Schedule 4 sets out how sampling points for the relevant pollutants and ozone are to be determined. Schedule 5 sets out criteria for determining the minimum number of sampling points for fixed measurement of concentrations of relevant pollutants and ozone. Schedule 6 concerns the measurement of ozone precursor substances. Schedule 7 makes provision for data quality objectives for the required accuracy of assessment methods, and for compilation of the results of air quality assessment. Schedule 8 prescribes reference methods for the analysis, sampling or measurement of the relevant pollutants and ozone.

Regulation 10 requires the Scottish Ministers to draw up action plans indicating the measures to be taken in the short term where there is a risk that the limit values for any of the relevant pollutants, or the alert thresholds for sulphur dioxide, nitrogen dioxide and ozone will be exceeded. The alert thresholds for sulphur dioxide, nitrogen dioxide and ozone are set out respectively in Parts I, II and VII of Schedule 1.

Regulation 11 requires the Scottish Ministers to draw up a list of zones where the levels of one or more of the relevant pollutants is above the limit value, or between the limit value and any margin of tolerance shown in Schedule 1. Regulation 11 also places a duty on the Scottish Ministers to draw up a plan or programme for such zones. The plan or programme must contain at least the information set out in Schedule 9.

Regulation 12 requires the Scottish Ministers to draw lists of zones in which the levels of ozone are either higher than the target values, higher than the long-term objectives but equal to or below the target levels, or meet the long-term objectives, and specifies the measures which must be taken in each of these circumstances.

Regulation 13 places an obligation on the Scottish Ministers to list zones where levels of the relevant pollutants are below limit values, and to ensure that the levels of these pollutants remain below the limit values, and to endeavour to preserve the best ambient air quality compatible with sustainable development.

Regulation 14 requires the Scottish Ministers to ensure that up-to-date information on ambient concentrations of each of the relevant pollutants and ozone is routinely made available to the public. It prescribes the frequency and content of such information. Where alert thresholds for sulphur dioxide or nitrogen dioxide are exceeded, further information, set out in paragraphs 1.3 of Part I and 2.3 of Part II of Schedule 1 must be provided.

Regulation 15 revokes for Scotland and at different dates, parts of the Air Quality Standards Regulations 1989 giving effect to limit values for the relevant pollutants in earlier Directives. The Air

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Quality Standards Regulations 1989 implemented Council Directive [80/779/EEC](#) on air quality limit values and guidelines for sulphur dioxide and suspended particulates, Council Directive [82/884/EEC](#) on a limit value for lead in the air and Council Directive [85/203/EEC](#) on air quality standards for nitrogen dioxide. These Directives are repealed, with transitional provisions lasting up to 2005 and 2010, by the First Daughter Directive.

The copies of the International Standards Organisation publications referred to in these Regulations can be purchased from the British Standards Institution “BSI” sales department either by telephone on 0208-996-9001 or by post from the BSI, Standards House, 389 Chiswick High Road, London W4 4AL.