



Notification Number: 1998/197/F

Draft decree amending certain provisions in the highway code relating to the identification of automobile vehicles contributing to the limitation of atmospheric pollution.

Date received : 29/04/1998

End of Standstill : Closed

Invocation of the Emergency Procedure : Yes

Message

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TELEX 002



COMMUNICATION FROM THE COMMISSION - SG (98) D/51089/2
DIRECTIVES 83/189/EEC, 88/182/EEC AND 94/10/EC
TRANSLATION OF TELEX 001
NOTIFICATION 98/0197/F

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1. Structured Information Line

TLX 002 IND- 98 0197 F-- EN ----- 980429 --- ---

2. Member State

France

3. Department Responsible

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3. Originating Department

Ministère de l'Équipement, des Transports et du Logement
Ministère de l'Aménagement du Territoire et de
l'Environnement

4. Notification Number

98/0197/F

5. Title

Draft decree amending certain provisions in the highway code
relating to the identification of automobile vehicles
contributing to the limitation of atmospheric pollution.

6. Products Concerned

Identification of vehicles contributing to the limitation of
atmospheric pollution.

7. Notification Under Another Act

No

8. Main Content

The draft decree amends certain provisions in the highway
code. It adds a category of vehicles "considered as
contributing to the limitation of atmospheric pollution", and
specifies the means of identifying this new category of
vehicles.



9. Brief Statement of Grounds

Law no. 96-1236 of 30 December 1996 on air and rational use of energy specifies in article 24 that "automobile vehicles are subject to identification based on their contribution to the limitation of atmospheric pollution. Vehicles identified in this way may benefit from privileged traffic and parking conditions."

The "green disk" is a sign marking vehicles considered as the least polluting. It will enable the vehicles which have it to benefit from privileged traffic and parking conditions.

The automobile constructors will be involved in the drawing up of the list of vehicles referred to in 5), 6), 9) and 10) allowing the "green disk" to be distributed to these vehicles.

10. Reference Documents - Basic Texts

a) List of reference texts

- Amended Council Directive 70/220/EEC of 8 April 1970 on the alignment of Member State legislation relating to measures to be taken against air pollution by motor vehicles.

- Council Directive 96/62/EEC of 27 September 1996 on the assessment and management of ambient air quality.

- Law no. 96-1236 of 30 December 1996 on air and rational use of energy.

- Amended Decree no. 74-415 of 13 May 1974, on the control of pollutant emissions in the atmosphere and on certain uses of energy.

b) -

c) -

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

Article 1 of the Law of 30 December 1996 on air and the rational use of energy, justified the right of each person to "breathe air which is not harmful to health" and has made the public authorities responsible for starting up a "general interest action".

Epidemiological studies have shown the size of the impact of peaks in pollution on the health of populations. Article 12 of the law stipulates that when the warning thresholds are reached or are likely to be reached, the prefect shall



immediately inform the public and take the appropriate measures to limit the extent and the effects of the peak in pollution on the population.

It is on the basis of these provisions that the prefectorial order of 11 April 1997 on the implementation of the measure for alternated traffic in Paris and in the "départements" of Hauts-de-Seine, Seine Saint-Denis and Val de Marne, in the event of an atmospheric pollution incident in the Ile-de-France area, was made by the prefects concerned.

However, this order is subject to recourse through cancellation before the Council of State. In the event of cancellation, the measures for alternated traffic in the Paris area can not be implemented under the conditions stipulated by this order.

The French government has decided to take the decree on the "green disk" with a view to setting up a plan intended to limit the traffic of automobiles in the event of a peak in

pollution based on criteria related to the non-pollutant or slightly pollutant character of the vehicles.

In order for this measure to be applicable as from summer 1998, the optimum period for peaks in pollution, this decree must be examined following the urgency procedure.

13. Confidentiality

No

14. Fiscal measures

No

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NNNN