



Council of the
European Union

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Odour nuisance
- Information from the Polish delegation

Delegations will find in the Annex an information note from the Polish delegation on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 19 December 2016.

Odour nuisance

- Information from the Polish delegation -

The issue of odour nuisance is becoming increasingly serious - throughout the EU as well as in Poland, the local-scale issue of odour nuisance has become a nationwide problem. In Poland, an increasing number of complaints and requests regarding odour nuisance have been recorded over the years. Currently, almost 60% of complaints in the field of air pollution concern odour nuisance.

The problem is all the more important as in almost every type of human activity, under certain conditions, the emission of variable quantities of various odour active compounds may occur. The sources of odorous substances are present in nearly all types of business activity, and may even be associated with activities carried out by natural persons. In many cases, the substances emitted do not cause odour nuisance themselves; however, as a result of reactions with other substances in the air, compounds which are detectable by people are produced. Odorous compounds in mixtures may have entirely different properties and odour characteristics than single odorous substances. Given the constant development of technologies, the existing list of odour nuisance sources cannot be considered closed.

It should be noted that work on the legal regulation of the issue of odour air quality standards has been undertaken for many years, in numerous EU Member States; however, it has not led to the drawing up of clear, Europe-wide definitions, terms and criteria. Many Member States have not introduced enough legislative solutions such as guidelines to be followed in the case of complaints concerning odour nuisance.

It is very important to note that EU legislation on air protection does not cover the issue of odour nuisance prevention, leaving particular Member States a free choice. The EN 13725:2003 standard "Determination of Odour Concentration by Dynamic Olfactometry" is the only pan-European document. However, it applies only to the measurement of odour emission.

It should be noted that the work on the BAT conclusions on intensive rearing of poultry or pigs showed that the issue of odour nuisance is very important for Europe as a whole. The issue of odour nuisance was also addressed by the above-mentioned conclusions. However, these regulations apply only to installations with more than 40,000 places for poultry, 2,000 for pigs of over 30 kg and 750 for sows.

In Poland there is legislation which indirectly addresses the issue of odour nuisance. Therefore, making use of existing national legislation, various measures aimed at reducing odour nuisance have been taken: an *odour nuisance prevention code* has been prepared and work on the *odour nuisance prevention act* has already started. However, without pan-European uniform provisions, a comprehensive solution to this issue is not possible.

Poland considers that it is necessary to introduce a consistent interpretation at European level in this field in order to implement effective measures in individual Member States.

For the above reasons, we encourage the European Commission to analyse this problem and to start work on the appropriate legislative proposal in order to regulate the issue of odour nuisance at EU level. In Poland's opinion, it would be advisable to establish a common methodology for the assessment of odour air quality and reference levels for odour active compounds, as well as to facilitate, through legislation, actions aimed at improving odour air quality.

At the same time, Poland asks Malta – the incoming Presidency of the Council of the EU – to facilitate discussion of the issue of odour nuisance within the Council in the near future as well as the European Commission to provide information on this subject.