

# Ambient air quality and cleaner air for Europe

2005/0183(COD) - 26/06/2008 - Follow-up document

The Commission presents a communication on notifications of postponements of attainment deadlines and exemptions from the obligation to apply certain limit values pursuant to Article 22 of Directive 2008/50/EC on ambient air quality and cleaner air for Europe.

It should be recalled that, this Directive gives Member States the possibility of notifying the Commission that, subject to the Commission's assessment, they intend to postpone the deadline for attaining compliance with the limit values for nitrogen dioxide or benzene in zones or agglomerations where those limit values cannot be complied with by 1 January 2010, or that they meet the conditions for being exempt from the obligation to apply the limit values for particulate matter (PM<sub>10</sub>). If the Commission considers that the conditions for a postponement or an exemption have not been met, it may raise objections within nine months of receipt of the notification.

The purpose of this Communication is to **facilitate preparation, submission and accurate assessment of the notifications**, by indicating the Commission's interpretation of the conditions laid down in Directive 2008/50/EC and providing guidance to Member States on the information to be provided and the format to be used.

The Commission will thoroughly assess each notification against the conditions laid down in Article 22 and raise objections if those conditions are not met.

A common format is set out in Staff Working Paper (SEC(2008)2132) in order to specify the link between the information required and the conditions. Member States are strongly recommended to use these forms.

According to the Commission, the initial notifications are expected principally to concern **PM<sub>10</sub>**, for which the potential extensions will end three years after the entry into force of the Directive, i.e. on 11 June 2011.

As regards **nitrogen dioxide and benzene**, the limit values may not be exceeded from 1 January 2010 at the latest. Where the conditions are met, the deadline for achieving compliance may be postponed until such time as is necessary for achieving compliance with the limit values, but at maximum until 2015.

The **main conditions** and information requirements for an extension are as follows:

- **Reference year:** as regards notifications concerning PM<sub>10</sub>, it is in principle appropriate to take the first year of exceedance, i.e. 2005, as the reference year for assessing whether the conditions are fulfilled. If considered more appropriate, a later year (e.g. 2007) can be taken as the reference year from which projections are made to demonstrate that compliance will be achieved by June 2011. The same year must then also be taken as the reference year in the attached air quality plan. For notifications concerning nitrogen dioxide or benzene submitted before the initial deadline for attainment (2010), 2008 will be considered the reference year. For notifications submitted after the initial deadline for attainment, Member States should use 2010 as the reference year.
- **Source apportionment:** Member States must provide information on the origin of pollution contributing to the exceedance. A quantitative source apportionment for the exceedance situation (i.e. exceedance of daily or annual limit value) in the reference year is therefore required for each notified zone or agglomeration. The source apportionment must, in particular, reflect regional, urban and local contributions within the Member State, but also transboundary contributions. As regards the urban and local contributions, a further split must be given in order to identify any

significant sources such as transport (road traffic and shipping, where relevant), industry (including heat and power production), agriculture, commercial and residential sources. Member States may choose whether to use nitrogen dioxide or oxides of nitrogen as a basis for source apportionment provided the choice is followed consistently.

- **Compliance during the extension:** for 2011, compliance with the annual limit values for PM<sub>10</sub> will be assessed against the limit value plus the margin of tolerance for the whole calendar year. As regards the daily limit values, compliance for 2011 will be assessed on a daily basis. More precisely, the total number of exceedances, whether of the limit value plus the margin of tolerance or of the limit value alone, may not exceed the 35 days permitted for that calendar year.
- **First condition – measures to achieve compliance by the initial attainment date:** Directive 2008/50/EC provides that the deadlines for attainment of the limit values for nitrogen dioxide and benzene may be postponed where conformity with the limit values cannot be achieved by the attainment date, i.e. 1 January 2010. In order to determine whether compliance cannot be achieved by that date, Member States are requested to indicate the measures taken before 2010 and explain the reasons why those measures do not bring about compliance. Only if it can be shown that efforts have been made to achieve compliance, Member States can claim that conformity with the limit values cannot be achieved by the deadlines. For PM<sub>10</sub>, Member States must demonstrate that all appropriate measures have been taken at national, regional and local level to achieve compliance with the limit values by the initial deadline set for attainment, i.e. 1 January 2005. Member States must identify the pollution sources that those measures were intended to address and explain the extent to which those measures actually contributed to reducing concentrations. Explanations must be given of any remaining exceedance of the limit values.
- **Second condition – measures to achieve compliance before the new deadline:** Member States must provide realistic and reliable predictions of how concentrations are likely to decline with a view to achieving compliance with the limit values before the new deadline. The predictions must be based on a comparison between the limit values to be achieved and projected baseline levels for the exceedance situation in a zone or agglomeration. The baseline must indicate the estimated concentrations by the new deadline if no additional abatement measures are taken, apart from those taken to achieve compliance by the initial deadline and the existing and planned Community measures. The gap between the applicable limit value and the baseline will serve as an indicator for the expected impact and timing of the additional measures required in order to close that gap by the new deadline. When assessing the predictions, account will also be taken of the potential impact, in the zone concerned, of existing and planned Community measures.
- **Specific condition for PM<sub>10</sub>:** site-specific dispersion characteristics, adverse climatic conditions or transboundary contributions: site-specific dispersion characteristics are factors affecting pollutant dispersion on local scale, principally at street level, adverse climatic conditions (dilution of locally emitted pollutants), transboundary contributions (occur where the meteorological and topographical conditions permit the transport of anthropogenic pollution originating outside the Member State, thereby causing high concentrations).
- **Air quality plan and additional information requirements:** notifications must be accompanied by an air quality plan for the zone or agglomeration concerned. The plan must comply with the requirements laid down in the new Directive. The information requested under the new Directive is largely similar to that requested under Directive 96/62/EC.