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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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No. prev. doc.: 7442/15 ENV 182 ENER 107 IND 46 TRANS 106 ENT 46 SAN 82  
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Subject: Proposal for a Directive of the European Parliament and of the Council on  
the reduction of national emissions of certain atmospheric pollutants and  
amending Directive 2003/35/EC  
- Presidency compromise text

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With a view to the Working Party on the Environment (WPE) on 29 April 2015, delegations will find in the Annex a Presidency compromise text.

Changes to the original Commission proposal for Articles 1 to 3 (doc. 18167/13) and to the previous text from Article 4 onwards (doc. 7442/15) are marked as **bold**, deletions are indicated by [...].

**Proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
on the reduction of national emissions of certain atmospheric pollutants and amending  
Directive 2003/35/EC**

(Text with EEA relevance)

*PM: Recitals*

*Article 1*

*Subject matter*

This Directive establishes the [...] **emission reduction commitments** for the Member States' atmospheric emissions of acidifying and eutrophying pollutants, ozone precursors, primary particulate matter and precursors of secondary particulate matter [...] and requires that national air pollution control programmes be drawn up, adopted and implemented and [...] emissions **for these and other pollutants** and their impacts be monitored and reported.

*Article 2*

*Scope*

- 1.** This Directive shall apply to emissions of the pollutants referred to in Annex I from all sources occurring in the territory of the Member States, their exclusive economic zones and pollution control zones.
  
- 2.** **It does not cover emissions in the Canary Islands, the French overseas departments, Madeira, and the Azores.**

*Article 3*  
*Definitions*

For the purposes of this Directive, the following definitions shall apply:

1. "emission" means the release of a substance from a point or diffuse source into the atmosphere;
2. "ozone precursors" mean nitrogen oxides, non-methane volatile organic compounds, methane, and carbon monoxide;
3. "air quality objectives" means the limit values, target values and exposure concentration obligations for air quality set out in Directive 2008/50/EC and Directive 2004/107/EC of the European Parliament and of the Council <sup>1</sup>;
4. "nitrogen oxides" (NO<sub>x</sub>) mean nitric oxide and nitrogen dioxide, expressed as nitrogen dioxide;
5. "non-methane volatile organic compounds" (NMVOC) means all organic compounds of an anthropogenic nature, other than methane, that are capable of producing photochemical oxidants by reaction with nitrogen oxides in the presence of sunlight;
6. "PM<sub>2,5</sub>" means [...] **particles with an aerodynamic diameter equal to or less than 2,5 micrometers (µm)**;
7. "national emission reduction commitment" means the reduction in emissions of a substance expressed as a percentage of emission reduction between the total of emissions released during the base year (2005) and the total of emissions released during a target calendar year that Member States must not exceed;

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<sup>1</sup> Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.1.2005, p. 3–16).

8. "landing and take-off cycle" means the cycle that includes taxi in and out, take-off, climb out, approach, landing and all other aircraft activities that take place below the altitude of 3000 feet;
9. "international maritime traffic" means journeys at sea and in coastal waters by water-borne vessels of all flags, save fishing vessels, that depart from the territory of one country and arrive in the territory of another country;
10. [...]
11. "pollution control zone" means a sea area not exceeding 200 nautical miles from the baselines from which the breadth of the territorial sea is measured established by a Member State for the prevention, reduction and control of pollution from vessels in accordance with applicable international rules and standards;
12. "black carbon" (BC) means carbonaceous particulate matter that absorbs light.

#### *Article 4*

##### *National emission reduction commitments*

1. Member States shall, as a minimum, limit their annual anthropogenic emissions of sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), volatile organic compounds other than methane (NMVOC), ammonia (NH<sub>3</sub>) and particulate matter (PM<sub>2,5</sub>) [...] <sup>2</sup> in accordance with the national emission reduction commitments applicable from 2020 and 2030, as laid down in Annex II.

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<sup>2</sup> Cion: scrutiny reservation on deletion of CH<sub>4</sub> and consequential changes. Proposes to consider alternatives such as modified reduction commitments.

1a When the national emission inventory data for base year 2005 is first reviewed and verified pursuant to Article 9(4), the Commission shall adopt implementing acts, in accordance with the examination procedure referred to in Article 14, within [6] months, laying down the 2005 total national emissions in terms of kilotons to be used as base year totals for the national reduction commitments as laid down in Annex II.

The Commission shall update the verified 2005 total national emissions on the basis of emission inventories reported by Member States in 2022 and every 5 year thereafter.

2. Without prejudice to paragraph 1, Member States shall take all the necessary measures not entailing disproportionate costs to limit their 2025 anthropogenic emissions of SO<sub>2</sub>, NO<sub>x</sub>, NMVOC, NH<sub>3</sub> and PM<sub>2,5</sub> [...]. The levels of those emissions shall be determined [...] <sup>3</sup> by a linear reduction trajectory established between their emission levels **defined by the emission reduction commitments** for 2020 and the emission levels defined by the emission reduction commitments for 2030.

Member States may follow a different trajectory if this would be economically **or technically** more efficient, and shall set out the reasons for it and the revised trajectory in the informative inventory **and in the** national air pollution control programmes submitted to the Commission in accordance with Article 9.

Where the emissions for 2025 [...] could not be limited in accordance with the determined trajectory, the Member States shall explain the reasons in their informative inventory reports submitted to the Commission in accordance with Article 9.

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<sup>3</sup> A new recital will be inserted as follows : "Some Member States may opt under the LRTAP Convention for setting their emission ceilings based on fuel used. This coherence between International and European legislation should be kept as an option for these Member States.". Recital 10 will also be amended.

3. The following emissions are not accounted for the purpose of complying with paragraphs 1 and 2:
  - (a) aircraft emissions beyond the landing and take-off cycle;
  - (b) [...]
  - (c) emissions from national maritime traffic to and from the territories referred to in [...] **Article 2(2)**;
  - (d) emissions from international maritime traffic [...].

*Article 5*  
*Flexibilities*

1. [...] <sup>4</sup> **Member States may establish, in accordance with Annex IV part 4, adjusted annual national emission inventories for SO<sub>2</sub>, NO<sub>x</sub>, NH<sub>3</sub>, NMVOC and PM<sub>2.5</sub> where non-compliance with their national emission reduction commitments [...] would result from applying improved emission inventory methods updated in accordance with scientific knowledge.**
2. [...]
3. [...]
4. Members States that intend to apply paragraph 1 [...] shall inform the Commission by 30 September <sup>5</sup> of the year preceding the reporting year concerned. That information shall include the pollutants and sectors concerned and, where available, the magnitude of the impacts upon national emission inventories.

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<sup>4</sup> Cion: scrutiny reservation on the deletion of maritime flexibility (and consequential changes).

<sup>5</sup> Some delegations: reservation on this date.

5. The Commission, assisted by the European Environment Agency, shall review and assess whether the use of any of the flexibilities for a particular year fulfils the relevant requirements **[...] set out in Annex IV part 4.**

[...] Where the Commission considers the use of a flexibility not to be in accordance with the applicable requirements [...], it shall adopt a Decision within nine months from the date of receipt of the relevant report referred to in Article 7, paragraph 6, [...], inform the Member State that it cannot be accepted **and state its reasons.** Where the Commission has raised no objections within nine months from the date of receipt of the relevant report referred to in Article 7, paragraph [...] 6, the Member State concerned shall consider the use of the flexibility applied to be accepted and valid for that year.

6. The Commission may adopt implementing acts specifying the detailed rules for the use of the flexibility [...] referred to in paragraph 1 [...], in accordance with the examination procedure referred to in Article 14.

#### *Article 6*

##### *National air pollution control programmes*

1. Member States shall draw up and adopt a national air pollution control programme in accordance with Part 1 [...] of Annex III in order to limit their annual anthropogenic emissions in accordance with Article 4.
2. When drawing up, adopting and implementing the programme referred to in paragraph 1, Member States shall:
  - (a) assess to what extent national emission sources are likely to impact air quality in their territories and neighbouring Member States using data and methodologies developed by the European Monitoring and Evaluation Programme (EMEP), where appropriate;

- (b) take account of the need to reduce air pollutant emissions for the purpose of reaching compliance with air quality objectives in their territories and, where appropriate in neighbouring Member States;
- (c) prioritize emission reduction measures for black carbon when taking measures to achieve their national reduction commitments for PM<sub>2,5</sub>;
- (d) ensure coherence with other relevant plans and programmes established by virtue of requirements set in national or Union legislation.

**With a view to meeting the relevant national emission reduction commitments** Member States shall [...], include the emission reduction measures laid down **as obligatory** in Part 2 [...] of Annex III **and may include the emission reduction measures laid down as optional in Part 2 of Annex III** or measures having equivalent **[...] mitigation** effect.

- 3. **Member States shall update** the national air pollution control programme **[...] at least** every four [...] years.
- 4. Without prejudice to paragraph 3, the emission reduction policies and measures contained in the national air pollution control programme shall be updated within 12 months **[...] after the submission of the latest national emission inventory or emission projections if according to submitted data** the obligations set out in Article 4 are not complied with or there is risk of non-compliance;  
**[...]**<sup>6</sup>

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<sup>6</sup> See also new paragraph (da) in Annex III part 1 paragraph 1.



5. Member States shall consult, in accordance with [...] Directive 2003/35/EC <sup>7</sup>, the public and competent authorities, which, by reason of their specific environmental responsibilities in the field of air pollution, quality and management at all levels, are likely to be concerned by the implementation of the national air pollution control programmes, on their draft national air pollution control programme and any significant updates prior to their finalisation. Where appropriate, transboundary consultations shall be [...] conducted in accordance with [...] Directive 2001/42/EC <sup>8</sup>.
6. The Commission shall facilitate the elaboration and implementation of the programmes, where appropriate, through an exchange of good practice.
7. The Commission shall be empowered to adopt delegated acts in accordance with Article 13 in order to adapt Part 2 [...] of Annex III to technical progress <sup>9</sup>.
8. The Commission may establish guidance on the elaboration and implementation of national air pollution control programmes.
9. The Commission may also specify the format and the necessary information concerning Member States' national air pollution control programmes in the form of implementing acts. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14.

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<sup>7</sup> Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OK L156, 25.6.2003, p.17. See also Article 16 amending this Directive.

<sup>8</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

<sup>9</sup> All delegations: scrutiny reservation on delegated and implementing acts in the whole proposal.

## Article 7

### *Emission inventories and projections*

1. Member States shall prepare and annually update national emission inventories for the pollutants set out in table A of Annex I, in accordance with the requirements set out therein.

Member States may [...] prepare and annually update national emission inventories for the pollutants set out in table B of Annex I, in accordance with the requirements set out therein.

2. Member States shall prepare and update every [...] four years spatially disaggregated emission inventories, large point source inventories and every two years<sup>10</sup> emission projections for the pollutants set out in table C of Annex I, in accordance with the requirements set out therein.
3. The emission inventories and projections referred to in paragraphs 1 and 2 shall be accompanied by an informative inventory report, in accordance with the requirements set out in table D of Annex I.

4. [...]

5. [...]

6. Member States that opt for the flexibility under Article 5(1[...]) shall include the information set out in Part 4 of Annex IV in the informative inventory report of the year concerned allowing the Commission to review and assess whether the requirements of that provision are met.

7. Member States shall [...] **prepare** the emission inventories, including adjusted emission inventories where relevant, emission projections and the informative inventory report in accordance with Annex IV.

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<sup>10</sup> Some delegations : projections should also be prepared every 4 years. Cion: considers important to maintain 2 years as for GHG projections.

8. The Commission, assisted by the European Environment Agency, shall annually [...] **prepare** and update Union-wide emission inventories, projections, and an informative inventory report for all the pollutants referred to in Annex I, on the basis of the information referred to in paragraphs 1, 2 and 3.
9. The Commission shall be empowered to adopt delegated acts in accordance with Article 13 in order to adapt Annex I in relation to reporting deadlines and Annex IV to technical and scientific progress.

*Article 8*

*Monitoring air pollution impacts*

1. Member States shall ensure [...] the **representative** monitoring of adverse impacts of air pollution upon ecosystems [...] **based on the information listed in** Annex V.  
**To this end Member States shall coordinate with and, where appropriate, make use of data collected under other monitoring programmes established by virtue of Union legislation, including Directive 2008/50/EC and Directive 2000/60/EC of the European Parliament and of the Council<sup>11</sup>, and programmes under the Convention on Long Range Transboundary Air Pollution on the effects of air pollution on human health and the environment.**
2. [...]
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 13 in order to adapt Annex V to technical and scientific progress.

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<sup>11</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

*Article 9*  
*Reporting by Member States*

1. Member States shall provide their national air pollution control programme to the Commission [within [...] **six** months of the date referred to in Article 17, date to be inserted by OPOCE] and updates every four<sup>12</sup> [...] years thereafter.

Where a national air pollution control programme is updated under Article 6(4), the Member State concerned shall inform the Commission thereof within two months.

2. Member States shall from 2017 communicate their national emission inventories, emission projections, spatially disaggregated emission inventories, large point source inventories and reports referred to in Article 7(1), (2) and (3) and, where relevant, Article 7 [...] (6), to the Commission and to the European Environment Agency in accordance with the reporting dates set out in Annex I.

This communication shall be consistent with the reporting to the Secretariat of the LRTAP Convention.

3. [...]
4. The Commission, assisted by the European Environment Agency and the Member States shall [...] review the national emission inventory data in the first year of reporting and regularly thereafter. This review shall involve the following:
  - (a) checks to verify the transparency, accuracy, consistency, comparability and completeness of information submitted;
  - (b) checks to identify cases where inventory data is prepared in a manner which is inconsistent with the requirements set under international law, in particular under the LRTAP Convention;

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<sup>12</sup> Cf. Article 6(3).

- (c) where appropriate, calculation of the resulting technical corrections necessary, in consultation with the Member States.
5. Member States shall report the following information referred to in Article 8 to the Commission and the European Environment Agency:
- (a) [By the date referred to in Article 17 - date to be inserted by OPOCE] and every four years thereafter, the location of the monitoring sites and the associated monitored indicators, and
  - (b) Within [one year of the date referred to in Article 17 - date to be inserted by OPOCE] and every four years thereafter, the measured values of the [...] indicators **listed in Annex V**.

*Article 10*

*Reports by the Commission*

1. The Commission shall, every five years at least, report to the European Parliament and the Council on the progress on implementing this Directive, including an assessment of its contribution to the achievement of the objectives of this Directive.

The Commission shall in any case report as above for the year 2025, and shall also include information on the achievement of the intermediate emission levels referred to in Article 4 paragraph 2 and the reasons for any non-achievement. It shall identify the need for further action also considering the sectorial impacts of implementation.

2. The reports referred to in paragraph 1 may include an evaluation of the environmental and socioeconomic impacts of this Directive.

*Article 11*  
*Access to information*

1. Member States shall, in compliance with Directive 2003/4/EC, ensure the active and systematic dissemination to the public of the following information by publishing it on a publicly accessible Internet site:
  - (a) the national air pollution control programmes and any updates.
  - (b) the national emission inventories, including when occurring, the adjusted emission inventories, the national emission projections and the informative inventory reports and additional reports and information communicated to the Commission in accordance with Article 9.
  
2. The Commission shall, in compliance with Regulation n° 1367/2006 of the European Parliament and of the Council <sup>13</sup>, ensure the active and systematic dissemination to the public by publishing Union-wide emission inventories, projections and informative inventory reports on a publicly accessible Internet site.

*Article 12*  
*Cooperation with third countries and coordination within international organisations*

The Union and the Member States, as appropriate, shall pursue, without prejudice to Article 218 of the Treaty, bilateral and multilateral cooperation with third countries and coordination within relevant international organisations such as the United Nations Environment Programme (UNEP), United Nations Economic Commission for Europe (UNECE), the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO), including through the exchange of information, concerning technical and scientific research and development, with the aim of improving the basis for the facilitation of emission reductions.

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<sup>13</sup> Regulation n° 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.09.2006, p. 13).

*Article 13*  
*Exercise of the delegation*<sup>14</sup>

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 6(7), 7(9) and 8(3) shall be conferred on the Commission for a [...] period of five years [...] from<sup>15</sup>. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Articles 6(7), 7(9) and 8(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 6(7), 7(9) and 8(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

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<sup>14</sup> Cion : reservation on the Presidency compromise text in Articles 13 and 14.

<sup>15</sup> OJ : please insert date of entry into force of the Directive.

*Article 14*  
*Committee procedure*

1. The Commission shall be assisted by the Ambient Air Quality Committee established by Article 29 of Directive 2008/50/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
  
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation 182/2011 shall apply.

*Article 15*  
*Penalties*

Member States shall lay down the rules on the penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

*Article 16*  
*Amendment to Directive 2003/35/EC*

In Annex I of Directive 2003/35/EC, the following letter (g) shall be added:

"(g) Article 6(1) of Directive XXXX/XX/EU of the European Parliament and of the Council on the reduction of national emission for certain atmospheric pollutants and amending Directive 2003/35/EC \*

\* OJ L XX of XX.XX.XXXX, p. X)"



*Article 17*  
*Transposition*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive [eighteen months <sup>16</sup> after the entry into force - date to be inserted by OPOCE] at the latest.

They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 18*  
*Repeal and transitional provisions*

1. Directive 2001/81/EC of the European Parliament and of the Council is repealed with effect from [by the date referred to in Article 17 of this Directive - date to be inserted by OPOCE].

However, [...] **Article 1, Article 4 and Annex I** of the repealed Directive shall continue to apply [...] until 31 December 2019.

[...]

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex VI.

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<sup>16</sup> Ten delegations ask for a longer time-frame (24 month).

2. Until 31 December 2019, Member States may apply Article 5(3) of this Directive in relation to the ceilings under Article 4 and Annex I of Directive 2001/81/EC.

*Article 19*

*Entry into force*

This Directive shall enter into force twentieth day after that of its publication in the *Official Journal of the European Union*.

*Article 20*

*Addressees*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*

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## ANNEX I

### Monitoring and reporting of atmospheric emissions

#### A. Annual emission reporting requirements as referred to in article 7(1), first subparagraph

Element	Pollutants	Time series	Reporting dates
Total national emissions by NFR <sup>1</sup> source category, including memo-items	- SO <sub>2</sub> , NO <sub>x</sub> , NMVOC, NH <sub>3</sub> , CO - heavy metals (Cd, Hg, Pb)* - POPs** (total PAHs and benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene, dioxins/furans, PCBs, HCB)	Annual, from 1990 to reporting year minus 2 (X-2)	15/02*****
Total national emissions by NFR source category	- PM <sub>2,5</sub> , PM <sub>10</sub> ***and BC.	Annual, from 2000 to reporting year minus 2 (X-2)	15/02*****
[...]	[...]	[...]	[...]
[...]	- [...]	[...]	[...]

<sup>1</sup> Nomenclature for reporting as provided by the LRTAP Convention.

<sup>2</sup> [...].

- \* Cd (cadmium), Hg (mercury), Pb (lead).
- \*\* POPs (persistent organic pollutants).
- \*\*\* PM<sub>10</sub> means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM<sub>10</sub>, EN 12341, with a 50 % efficiency cut-off at 10 µm aerodynamic diameter.
- \*\*\*\* Re-submissions due to errors shall be provided within four weeks at the latest and include a clear explanation of the changes made.

B. Annual emission reporting requirements as referred to in article 7(1), second subparagraph

Element	Pollutants	Time series	Reporting date
Total national emissions by NFR source category	- heavy metals (As, Cr, Cu, Ni, Se and Zn and their compounds)* - TSP**	Annual, from 1990 (2000 for TSP,) to reporting year minus 2 (X-2)	15/2

- \* As (arsenic), Cr (chromium), Cu (copper), Ni (nickel), Se (selenium), Zn (zinc).
- \*\* TSP (total suspended particles).

C. [...] Reporting requirements on emissions and projections as referred to in article 7(2)

Element	Pollutants	Time series / target years	Reporting dates
National gridded data of emissions by source category (GNFR)	- SO <sub>2</sub> , NO <sub>x</sub> , NMVOC, CO, NH <sub>3</sub> , PM <sub>10</sub> , PM <sub>2,5</sub> - heavy metals (Cd, Hg, Pb), - POPs (total PAHs, HCB, PCBs, dioxins/furans) - BC (if available)	<u>Every four years</u> [...] for reporting year minus 2 (X-2) as from 2017	01/05 *
Large Point Sources (LPS) by source category (GNFR)	- SO <sub>2</sub> , NO <sub>x</sub> , NMVOC, CO, NH <sub>3</sub> , PM <sub>10</sub> , PM <sub>2,5</sub> - heavy metals (Cd, Hg, Pb), - POPs (total PAHs, HCB, PCBs, dioxins/furans) - BC (if available)	<u>Every four years</u> [...] for reporting year minus 2 (X-2) as from 2017	01/05 *
Projected emissions by aggregated NFR	SO <sub>2</sub> , NO <sub>x</sub> , NH <sub>3</sub> , NMVOC, PM <sub>2,5</sub> and BC	Biennial reporting, covering every year from year X up to 2030 and, where available, 2040 and 2050 <u>as from 2017</u>	15/03
[...]	[...]		[...]

\* Re-submissions due to errors shall be provided within four weeks and include a clear explanation of the changes made.

D. Annual reporting of informative inventory report referred to in article 7(3)

Element	Pollutants	Time series / target years	Reporting dates
Informative Inventory Report (IIR)	<ul style="list-style-type: none"> <li>- SO<sub>2</sub>, NO<sub>x</sub>, NMVOC, NH<sub>3</sub>, CO, , PM<sub>2,5</sub>, PM<sub>10</sub>;</li> <li>- heavy metals (Cd, Hg, Pb) and BC;</li> <li>- POPs (total PAHs and benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene, dioxins/furans, PCBs, HCB);</li> <li>- <u>If available</u>, heavy metals (As, Cr, Cu, Ni, Se and Zn and their compounds) and TSP</li> </ul>	All years (as indicated in tables A-B-C)	15/03

## ANNEX II

### National emission reduction commitments <sup>17</sup>

Table (a): Emission reduction commitments for sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and non-methane volatile organic compounds (NMVOC). Fuels sold <sup>\*</sup>, base year 2005.

Member State	SO <sub>2</sub> reduction compared with 2005		NO <sub>x</sub> reduction compared with 2005		NMVOC reduction compared with 2005	
	For any year from 2020 to 2029	For any year from 2030	For any year from 2020 to 2029	For any year from 2030	For any year from 2020 to 2029	For any year from 2030
Belgium	43%	<b>66%</b>	41%	<b>59%</b>	21%	<b>35%</b>
Bulgaria	78%	<b>93%</b>	41%	<b>63%</b>	21%	<b>69%</b>
Czech Republic	45%	<b>73%</b>	35%	<b>64%</b>	18%	<b>50%</b>
Denmark	35%	<b>62%</b>	56%	<b>66%</b>	35%	<b>49%</b>
Germany	21%	<b>57%</b>	39%	<b>64%</b>	13%	<b>35%</b>
Estonia	32%	<b>72%</b>	18%	<b>46%</b>	10%	<b>28%</b>
Greece	74%	<b>92%</b>	31%	<b>69%</b>	54%	<b>64%</b>
Spain	67%	<b>87%</b>	41%	<b>66%</b>	22%	<b>39%</b>
France	55%	<b>77%</b>	50%	<b>69%</b>	43%	<b>52%</b>
Croatia	55%	<b>86%</b>	31%	<b>62%</b>	34%	<b>50%</b>
Ireland	65%	<b>82%</b>	49%	<b>71%</b>	25%	<b>32%</b>
Italy	35%	<b>71%</b>	40%	<b>68%</b>	35%	<b>49%</b>
Cyprus	83%	<b>95%</b>	44%	<b>70%</b>	45%	<b>50%</b>
Latvia	8%	<b>42%</b>	32%	<b>41%</b>	27%	<b>42%</b>
Lithuania	55%	<b>65%</b>	48%	<b>51%</b>	32%	<b>47%</b>
Luxembourg	34%	<b>45%</b>	43%	<b>85%</b>	29%	<b>49%</b>
Hungary	46%	<b>73%</b>	34%	<b>66%</b>	30%	<b>58%</b>
Malta	77%	<b>95%</b>	42%	<b>79%</b>	23%	<b>27%</b>

<sup>17</sup> The 2030 values are replaced by those indicated in TSAP report 16a.

Member State	SO <sub>2</sub> reduction compared with 2005		NO <sub>x</sub> reduction compared with 2005		NMVOC reduction compared with 2005	
	For any year from 2020 to 2029	For any year from 2030	For any year from 2020 to 2029	For any year from 2030	For any year from 2020 to 2029	For any year from 2030
Netherlands	28%	<b>58%</b>	45%	<b>61%</b>	8%	<b>22%</b>
Austria	26%	<b>41%</b>	37%	<b>71%</b>	21%	<b>40%</b>
Poland	59%	<b>77%</b>	30%	<b>51%</b>	25%	<b>55%</b>
Portugal	63%	<b>83%</b>	36%	<b>61%</b>	18%	<b>44%</b>
Romania	77%	<b>92%</b>	45%	<b>62%</b>	25%	<b>67%</b>
Slovenia	63%	<b>88%</b>	39%	<b>65%</b>	23%	<b>59%</b>
Slovakia	57%	<b>82%</b>	36%	<b>48%</b>	18%	<b>32%</b>
Finland	30%	<b>34%</b>	35%	<b>47%</b>	35%	<b>48%</b>
Sweden	22%	<b>14%</b>	36%	<b>66%</b>	25%	<b>39%</b>
United Kingdom	59%	<b>89%</b>	55%	<b>74%</b>	32%	<b>39%</b>
EU 28	59%	<b>81%</b>	42%	<b>65%</b>	28%	<b>46%</b>

\* Austria, Belgium, Ireland, Lithuania, Luxembourg, the Netherlands and United Kingdom may choose to use the national emission total calculated on the basis of fuels used as a basis for compliance.



Table (b): Emission reduction commitments for ammonia (NH<sub>3</sub>) and fine particulate matter (PM<sub>2,5</sub>)  
[...]. Fuels sold \*, base year 2005.

Member State	NH <sub>3</sub> reduction compared with 2005			PM <sub>2,5</sub> reduction compared with 2005		
	For any year from 2020 to 2029		For any year from 2030	For any year from 2020 to 2029		For any year from 2030
Belgium	2%		<b>13%</b>	20%		<b>41%</b>
Bulgaria	3%		<b>18%</b>	20%		<b>66%</b>
Czech Republic	7%		<b>38%</b>	17%		<b>50%</b>
Denmark	24%		<b>32%</b>	33%		<b>56%</b>
Germany	5%		<b>38%</b>	26%		<b>42%</b>
Estonia	1%		<b>1%</b>	15%		<b>41%</b>
Greece	7%		<b>31%</b>	35%		<b>71%</b>
Spain	3%		<b>21%</b>	15%		<b>62%</b>
France	4%		<b>23%</b>	27%		<b>56%</b>
Croatia	1%		<b>23%</b>	18%		<b>62%</b>
Ireland	1%		<b>10%</b>	18%		<b>39%</b>
Italy	5%		<b>22%</b>	10%		<b>54%</b>
Cyprus	10%		<b>21%</b>	46%		<b>78%</b>
Latvia	1%		<b>-3%</b>	16%		<b>46%</b>
Lithuania	10%		<b>2%</b>	20%		<b>48%</b>
Luxembourg	1%		<b>24%</b>	15%		<b>43%</b>
Hungary	10%		<b>43%</b>	13%		<b>64%</b>
Malta	4%		<b>24%</b>	25%		<b>76%</b>
Netherlands	13%		<b>21%</b>	37%		<b>40%</b>
Austria	1%		<b>18%</b>	20%		<b>49%</b>
Poland	1%		<b>22%</b>	16%		<b>46%</b>
Portugal	7%		<b>19%</b>	15%		<b>68%</b>
Romania	13%		<b>28%</b>	28%		<b>69%</b>

Member State	NH <sub>3</sub> reduction compared with 2005		PM <sub>2,5</sub> reduction compared with 2005			
	For any year from 2020 to 2029		For any year from 2030	For any year from 2020 to 2029		For any year from 2030
Slovenia	1%		<b>26%</b>	25%		<b>76%</b>
Slovakia	15%		<b>43%</b>	36%		<b>63%</b>
Finland	20%		<b>15%</b>	30%		<b>34%</b>
Sweden	15%		<b>17%</b>	19%		<b>17%</b>
United Kingdom	8%		<b>24%</b>	30%		<b>53%</b>
EU 28	6%		<b>25%</b>	22%		<b>54%</b>

\* Austria, Belgium, Ireland, Lithuania, Luxembourg, the Netherlands and United Kingdom may choose to use the national emission total calculated on the basis of fuels used as a basis for compliance.

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## ANNEX III

### Content of National Air Pollution Control Programmes

#### PART 1 <sup>18</sup>

##### MINIMUM CONTENT OF THE NATIONAL AIR POLLUTION CONTROL PROGRAMME

1. The initial national air pollution control programme referred to in Articles 6 and 9 shall at least cover the following content:
  - (a) the national air quality and pollution policy framework in which context the programme has been developed, including:
    - (i) the policy priorities and their relationship to priorities set in other relevant policy areas, including climate change;
    - (ii) the responsibilities attributed to national, regional and local authorities;
    - (iii) the progress made by current policies and measures in reducing emissions and improving air quality, and the degree of compliance with national and EU obligations;
    - (iv) the projected further evolution assuming no change to already adopted policies and measures.
  - (b) the policy options considered to meet the emission reduction commitments for 2020 and 2030 onwards and the intermediate emission levels determined for 2025 and to contribute to further improve the air quality, and their analysis, including the method of analysis; the individual or combined impacts of the policies and measures on emission reductions, air quality and the environment; and the associated uncertainties;

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<sup>18</sup> The content of part 1 is replaced by that of part 2 and vice versa (following the quoting order of the Articles).

- (c) the measures and policies selected for adoption, including a timetable for their implementation and review and the competent authorities responsible;
- (d) where relevant, an explanation of the reasons why the intermediate emission levels for 2025 cannot be met without measures entailing disproportionate costs;

**(da) where relevant, an account of the use of flexibilities set out in Article 5 and any environmental consequences;**

- (e) an assessment of how selected policies and measures ensure coherence with plans and programmes set up in other relevant policy areas.

2. The national air pollution control programme updates referred to in Articles 6 and 9 shall at least include:

- (a) an assessment of the progress made with implementation of the programme, the reduction of emissions and the reduction of concentrations;
- (b) any significant changes in the policy context, assessments, the programme or the implementation time table.

## PART 2

### MEASURES REFERRED TO IN ARTICLE 6.2 [...]

Where relevant, Member States shall make use of the UNECE Guidance Document for Preventing and Abating Ammonia Emissions (Ammonia Guidance Document) <sup>19</sup>, and best available techniques set out in Directive 2010/75/EU of the European Parliament and of the Council <sup>20</sup> when implementing the measures set out in Part 2.

#### A. Measures to control ammonia emissions

1. Member States shall establish a national advisory code of good agricultural practice to control [...] ammonia emissions, based on the 2014 [...] UNECE Framework Code for Good Agricultural Practice for Reducing Ammonia Emissions, covering at least the following items:
  - (a) nitrogen management, taking into account the whole [...] nitrogen cycle;
  - (b) livestock feeding strategies;
  - (c) low-emission manure spreading techniques [...];
  - (d) low-emission manure storage systems;
  - (e) low-emission animal housing systems;
  - (f) possibilities for limiting ammonia emissions from the use of mineral fertilisers [...].

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<sup>19</sup> Decision 2012/11, ECE/EB/AIR/113/Add. 1.

<sup>20</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

2. Member States may [...] establish a national nitrogen budget to monitor the changes in overall losses of reactive nitrogen from agriculture, including ammonia, nitrous oxide, ammonium, nitrates and nitrites, based on the principles set out in the UNECE Guidance Document on Nitrogen Budgets<sup>4</sup>.
  
3. Member States shall prohibit the use of ammonium carbonate fertilizers and may [...] reduce ammonia emissions from inorganic fertilizers by using the following approaches:
  - (a) [...]
  
  - (b) replacing urea-based fertilizers by ammonium nitrate-based fertilizers;
  
  - (c) where urea-based fertilizers continue to be applied, using methods[...] that have been shown to reduce ammonia emissions by at least 30% compared with the use of the reference method, as specified in the Ammonia Guidance Document;
  
  - (d) spreading inorganic fertilisers [...] in line with the foreseeable requirements of the receiving crop or grassland with respect to nitrogen and phosphorus, also taking into account the existing nutrient content in the soil and the nutrients from other fertilizers.

4. Member States may [...] reduce ammonia emissions from livestock manure by using the following approaches:
- (a) reducing emissions from slurry and solid manure application to arable land and grassland, by using methods that reduce emissions by at least 30 % compared with the reference method described in the Ammonia Guidance Document and on the following conditions:
- (i) only spreading manures and slurries [...] in line with the foreseeable nutrient requirement of the receiving crop or grassland with respect to nitrogen and phosphorous, also taking into account the existing nutrient content in the soil and the nutrients from other fertilizers;
  - (ii) not spreading manures and slurries [...] when the receiving land is water saturated, flooded, frozen or snow covered;
  - (iii) applying slurries spread to grassland [...] using a trailing hose, trailing shoe or through shallow or deep injection;
  - (iv) incorporating manures and slurries spread to arable land [...] within the soil within four hours of spreading.
- (b) reducing emissions from manure storage outside of animal houses, by using the following approaches:
- (i) for slurry stores constructed after 1st January 2022, using low emission storage systems or techniques [...] which have been shown to reduce ammonia emissions by at least 60% compared with the reference method described in the Ammonia Guidance Document, and for existing slurry stores at least 40%;
  - (ii) covering stores for solid manure [...];
  - (iii) ensure farms [...] have sufficient manure storage capacity to spread manure only during periods that are suitable for crop growth.

- (c) reducing emissions from animal housing, by using systems which have been shown to reduce ammonia emissions by at least 20% compared with the reference method described in the Ammonia Guidance Document.
- (d) reducing emissions from manure, by using low protein feeding strategies which have been shown to reduce ammonia emissions by at least 10% compared with the reference method described in the Ammonia Guidance Document.

**B. Emission reduction measures to control emissions of particulate matter and black carbon**

1. Member States may [...] ban open field burning of agricultural harvest residue and waste and forest residue, and shall monitor and enforce its implementation. Any exemptions to such a ban shall be limited to preventive programs to avoid uncontrolled wildfires, to control pest or to protect biodiversity.
2. Member States may [...] establish a national advisory code of good agricultural practices for the proper management of harvest residue, on the basis of the following approaches:
  - (a) improvement of soil structure through incorporation of harvest residue;
  - (b) improved techniques for incorporation of harvest residue;
  - (c) alternative use of harvest residue;
  - (d) improvement of the nutrient status and soil structure through incorporation of manure as required for optimal plant growth, thereby avoiding burning of manure (farmyard manure, deep-straw bedding).



**C. Preventing negative impacts on [...] agricultural holdings**

In taking the measures outlined in sections A and B above, Member States **[...] shall take due account of the structure of their agricultural holdings and adapt such measures where necessary and as** appropriate in view of the applicable reduction commitments.

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## ANNEX IV

### **Methodologies for the preparation and the updating of national emission inventories, emission projections, informative inventory reports and adjusted emission inventories**

For the pollutants referred to in Annex I, [...] Member States shall **[...] prepare** emission inventories, adjusted emission inventories where relevant, projections and informative inventory reports using the methodologies adopted by Parties to the LRTAP Convention (EMEP Reporting Guidelines) and are requested to use the EMEP/EEA Guidebook referred to therein. In addition, supplementary information, in particular the activity data, needed for the assessment of the inventories and projections shall be prepared in accordance with the same guidelines.

Reliance upon the EMEP Reporting Guidelines is without prejudice to the additional modalities specified in this Annex and to the requirements on reporting nomenclature, time series and reporting dates specified in Annex I.

#### PART 1

##### NATIONAL ANNUAL EMISSION INVENTORIES

1. National emission inventories shall be transparent, consistent, comparable, complete and accurate.
2. Emissions from identified key categories shall be calculated in accordance with the methodologies defined in the EMEP/EEA Guidebook and with the aim of using a Tier 2 or higher (detailed) methodology.

Member States may use other scientifically based and compatible methodologies for establishing national emission inventories if producing more accurate estimates than the default methodologies set out in the EMEP/EEA Guidebook.

3. For emissions from transport, Member States shall calculate and report emissions consistent with national energy balances reported to Eurostat.
4. Emissions from road vehicle transport shall be calculated and reported on the basis of the fuel sold <sup>21</sup> in the Member State concerned. In addition, Member States may also report emissions from road vehicles based on fuel used or kilometres driven in the Member State.
5. Member States shall report their annual national emissions expressed in the applicable unit specified in the NFR reporting template of the LRTAP Convention.

## PART 2

### EMISSION PROJECTIONS

1. Emission projections shall be transparent, consistent, comparable, complete and accurate and reported information shall include at least the following:
  - (a) clear identification of the adopted and planned policies and measures included in the projections;
  - (b) the results of sensitivity analysis performed for the projections;
  - (c) a description of methodologies, models, underlying assumptions and key input and output parameters.
2. Projections of emissions shall be estimated and aggregated to relevant source sectors. Member States shall provide a ‘with measures’ (adopted measures) and, where relevant, a ‘with additional measures’ (planned measures) projection for each pollutant in accordance with the guidance established in the EMEP/EEA Guidebook.

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<sup>21</sup> Austria, Belgium, Ireland, Lithuania, Luxembourg, the Netherlands and United Kingdom may choose to use the national emission total calculated on the basis of fuels used as a basis for compliance.

3. Projections shall be consistent with the [...] national annual emission inventory for the year x-3 and with projections reported under Regulation No 525/2013.

### PART 3

#### INFORMATIVE INVENTORY REPORT

The informative inventory reports shall be prepared in accordance with the EMEP Reporting Guidelines and reported using the template for inventory reports as specified therein. The inventory report shall include, as a minimum, the following information:

- (a) descriptions, references and sources of information of the specific methodologies, assumptions, emission factors and activity data, as well as the rationale for their selection;
- (b) a description of the national key categories of emission sources;
- (c) information on uncertainties, quality assurance and verification;
- (d) a description of the institutional arrangements for inventory preparation;
- (e) recalculations and planned improvements;
- (f) if relevant, information on the use of the flexibilities provided for under Article 5(1) [...];
- (g) an executive summary.

## PART 4

### ADJUSTMENT OF NATIONAL INVENTORIES

1. A Member State that proposes an adjustment to its national emission inventory in accordance with the provision of article 5 ([...] 1) shall include in its proposal to the Commission, at least, the following supporting documentation:
  - (a) evidence that the concerned national emission reduction commitment(s) is/are exceeded;
  - (b) evidence of the extent to which the adjustment to the emission inventory reduces the exceedance and contributes to compliance with the concerned national emission reduction commitment(s);
  - (c) an estimation of whether and when the concerned national emission reduction commitment(s) is/are expected to be attained based on emission projections without the adjustment;
  - (d) evidence that the adjustment is consistent with one or several of the following three circumstances. Reference can be made, as appropriate, to relevant previous adjustments:
    - (i) for new emission source categories:
      - evidence that the new emission source category is acknowledged in scientific literature and/or the EMEP/EEA Guidebook;
      - evidence that this source category was not included in the relevant historic national emission inventory at the time when the emission reduction commitment was set;

- evidence that emissions from a new source category contribute to a Member State being unable to meet its emission reduction commitments, supported by a detailed description of the methodology, data and emission factors used to arrive at this conclusion;
- (ii) for significantly different emission factors used for determining emissions from specific source categories:
- a description of the original emission factors, including a detailed description of the scientific basis upon which the emission factor was derived;
  - evidence that the original emission factors were used for determining the emission reductions at the time when they were set;
  - a description of the updated emission factors, including detailed information on the scientific basis upon which the emission factor was derived;
  - a comparison of emission estimates made using the original and the updated emission factors, demonstrating that the change in emission factors contributes to a Member State being unable to meet its reduction commitments;
  - the rationale for deciding whether the changes in emission factors are significant.

As from 2025, emission factors significantly different than expected from the implementation of a given norm or standard shall not be considered for the adjustment <sup>22</sup>.

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<sup>22</sup> Many delegations ask to delete this subparagraph.

(iii) for significantly different methodologies used for determining emissions from specific source categories:

- a description of the original methodology used, including detailed information on the scientific basis upon which the emission factor was derived;
- evidence that the original methodology was used for determining the emission reductions at the time when they were set;
- a description of the updated methodology used, including a detailed description of the scientific basis or reference upon which it has been derived;
- a comparison of emission estimates made using the original and updated methodologies demonstrating that the change in methodology contributes to a Member State being unable to meet its reduction commitment;
- the rationale for deciding whether the change in methodology is significant;

2. Member States may submit the same supporting information for adjustment procedures based on similar preconditions, provided that each Member State submits the required individual country-specific information as described in paragraph 1.

3. Member States shall recalculate adjusted emissions to ensure consistency of the time series for every year that the adjustment(s) are applied.

## ANNEX V

### Monitoring information on air pollution impacts referred to in Article 8 [...]

1. [...]

2. **[...] Information on monitoring shall cover the following indicators:**

- (a) for freshwater ecosystems: establishing the extent of biological damage, including sensitive receptors (micro- and macrophytes and diatoms), and loss of fish stock or invertebrates:

the key indicator acid neutralising capacity (ANC) and the supporting indicators acidity (pH), dissolved sulphate (SO<sub>4</sub>), nitrate (NO<sub>3</sub>) and dissolved organic carbon with a minimum frequency of sampling from yearly (in lake autumn turnover) to monthly (streams).

- (b) for terrestrial ecosystems: assessing the soil acidity, soil nutrients loss, nitrogen status and balance as well as biodiversity loss:

- (i) the key indicator soil acidity: exchangeable fractions of base cations (base saturation) and exchangeable aluminium in soils every ten years and the supporting indicators, pH, sulphate, nitrate, base cations, aluminium concentrations in soil solution every year (where relevant);
- (ii) the key indicator soil nitrate leaching (NO<sub>3,leach</sub>) every year;
- (iii) the key indicator carbon-nitrogen ratio (C/N) and the supporting indicator of total nitrogen in soil (N<sub>tot</sub>), every ten years;
- (iv) the key indicator nutrient balance in foliage (N/P,N/K, N/Mg) every four years.



- (c) for terrestrial ecosystems: assessing ozone damage to vegetation growth and biodiversity:
- (i) the key indicator vegetation growth and foliar damage and the supporting indicator carbon flux ( $C_{\text{flux}}$ ) every year;
  - (ii) the key indicator exceedence of flux-based critical levels every year during the growing season.
3. Member States shall use the methodologies on the Convention on Long-Range Transboundary Air Pollution and its Manuals for the International Cooperative Programmes when collecting and reporting <sup>23</sup> the information covered by paragraph 2.

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*PM: ANNEX VI - Correlation Table*

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<sup>23</sup> Decision 2008/1, ECE/EB.AIR/wg.1/2008/16.