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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	ST 14217/22 + ADD 1
Subject:	Air Quality Directive: Follow-up to the WPE on 24 November 2023 - comments from a delegation

Following the call for comments on the above set out with WK 15737/2023 and WK 15737/2023 REV 1, delegations will find attached comments from MT.

MALTA

Written Comments on the Ambient Air Quality Directive

Following the call for written comments during the WPE of 24 November 2023 (document reference WK 15321/2023 REV 1), Malta would like to submit the following comments:

Malta's is referring its position on the EP amendments using the table in the Annex. Malta's most important issues are the following:

- MT cannot support the EP's proposal to attain intermediate limit values (LVs) by 2030 and more ambitious LVs to be attained by 2035. Although MT understands the EP's position to push towards more ambitious LVs, MT will find it very difficult to manage to attain the Council's proposed LVs by 2030, let alone the EP's proposal (and alignment to WHO guidelines) by 2035. As we have already outlined, the attainment of such targets requires drastic changes in road transport policy, which will have an impact on low-income families. Furthermore, MT does not have many options for alternative mobility.
- MT does not support any additional obligations related to monitoring over and above those outlined in the Council's proposal. More specifically, MT does not support the introduction of additional monitoring requirements for black carbon, ammonia and mercury in sites where ultra fine particles (UFPs) should be monitored. The monitoring of UFPs in multiple locations places an excessive burden in terms of costs, and human resources, particularly when the added benefit is insignificant for small Member States such as Malta. Adding new pollutants to the monitoring regime in such locations, further increases such burdens.
- MT does not support the introduction of ozone as an alert threshold particularly since MT's ozone originates from transboundary sources.
- MT does not support the introduction of new pollutants in the information threshold clause. This will create added burden on MS to continuously monitor and release information to the public regarding health-related concerns.
- The flexibility in Article 18 is very important for Malta and does not support proposals which do not allow for such flexibility. Moreover, MT does not support different timeframes for the reporting and implementation of air quality plans other than those outlined in the Council's position.
- MT cannot support reporting timeframes shorter than 9 months, and therefore supports the Council's proposal on reporting of air quality data.
- On access to justice, compensation and penalties, Malta supports the Council's position and does not support proposals that go beyond the Council mandate. This is important in view of alignment with related legislative proposals such as the Industrial Emissions Directive.

ANNEX: Malta's comments on the EP AMs

+ = Support

- = Oppose

/ = No comments

COM Proposal	EP AM	Preliminary position	Additional Comments
Recital 2	1: row 12	/	No objection
Recital 4	293: row 14	-	MT does not support the establishing of stricter air quality standards to be attained by 2035. This is a red line for Malta.
Recital 4a	3: row 14a	-	The essence of this proposal is already included in Recital 2 and 4 of the CION's proposal.
Recital 4b	4: row 14b	-	Although the proposal by the EP is presenting information from the Commission's impact assessment, certain MS might experience different results at a MS level, especially when discussing impacts on low-income families. It is therefore not advisable to include this proposed amendment.
Recital 5	5: row 15	-	Some of the issues covered in the proposed amendment are already included in the Commission's proposal such as the protection of vulnerable groups. Other proposals are also indirectly included through similar or related concepts, so MT does not see the need for this amendment.
Recital 5a	6: row 15a	+	Factual, MT can support.
Recital 6	7: row 16	+	MT can support reference to 'better transboundary coordination'
Recital 7	8: row 17	+	MT prefers the text of the EP proposal in relation to the importance of assessing the effectiveness of source emission legislation on the achievement of air quality standards. Reviewing of scientific evidence on healthcare inequalities and costs, behavioral and fiscal developments is also considered positive, as long as the assessment takes into consideration the specificities of MS.
Recital 10	9: row 20	-	MT generally prefers the CION's proposal with respect to modelling applications. With respect to air quality roadmaps, MT does not see the added value of defining a term for air quality plans prepared before 2030.
Recital 11	10: row 21	-	MT feels that committing to the establishing of limit values for emerging pollutants might be premature during the first review. More time is needed to understand the sources of these pollutants, and the extent of their impact on human health.
Recital 12	11: row 22	-	MT does not support any additional obligations related to monitoring over and above those outlined in the Commission's proposal.
Recital 15	12: row 25	+	MT supports the inclusion of vehicles and industrial emission standards. However, MT does not feel the need to re-iterate reference to WHO guidelines and the ZPAP, since they are already referred to in previous recitals.
Recital 15b	14: 25a	+	This should read Recital 15a. MT supports the concept of better harmonization between legislative proposals and the aims of this Directive.
Recital 15c	15: row 25b		This should read Recital 15b. Proposal is being analyzed.

Recital 15d	16: row 25c	-	This should read Recital 15c. While it is acknowledged that emissions from vessels also have an impact on ambient air quality, it is best to let ongoing discussions on emission control areas at international level take their course (Barcelona Convention and IMO). Therefore, inclusion on such text is not recommended.
Recital 16	17: row 26	/	No objection, however, MT does not see the need to include different types of adverse health effects particularly since the list of potential human health effects is a lengthy one, therefore risking to exclude some in the process.
Recital 16a	18: row 26a	/	No objection, however, MT does not see the need for such a recital, particularly since other recitals make reference to human health and the environment, which encompasses all adverse effects not just the physical impacts on humans. Therefore, such a term already takes into consideration other factors such as demographics, population distribution, etc.
Recital 16b	19: row 26b	+	MT supports the introduction of this recital, particularly due to its concerns related to the socio-economic impacts that measures taken will have on low-income families that are already exposed to air pollution. However, MT prefers the deletion of reference to air quality roadmaps as per comment on Recital 10.
Recital 18	20: row 28	-	MT has no objection to refer to the latest available WHO guidelines, however, it does not support the proposed text on AEROs.
Recital 19	21: row 29	-	Although MT can support the first addition to the text, MT does not support the introduction of the last addition. Regularly updating the limit values will provide additional burden on those MS who are already struggling to meet the LVs and are putting in place measures to address exceedances. Regularly updating the limit values will not provide enough time for MS to implement stricter measures in phases, resulting in greater socio-economic impacts on low-income families.
Recital 21	22: row 31	-	MT generally prefers the Council's proposal. The inclusion of the text explaining what ground-level ozone does provides no additional benefit. Furthermore, MT sees no added value in defining 'air quality roadmaps'. MT also would like to point out that the amendment proposed by the Council should be included particularly since AQP may only be drafted for ozone <i>if appropriate</i> .
Recital 22	23: row 32	+	MT can support as long as the standard for ozone remains as is (i.e. target value).
Recital 23	24: row 33	+	MT can support. Information on scientific evidence related to other pollutants for the purposes of setting up alert and/or information thresholds can be included in the review under Article 3- Regular Review.
Recital 25	25: row 35	-	MT prefers the Council's position particularly referring to the adoption of appropriate measures to comply with the LVs if these are not met. However, in the spirit of compromise, MT can also accept the EP's introduction of the term <i>continuous</i> which is in fact the normal actions that MS need to take to ensure compliance.
Recital 29	26: row 39	+/-	MT can support the first two insertions but not the last part related to health effects. There is very little action that MS can implement to reduce health impacts from natural sources (aside from providing information to the public to stay indoors etc).
Recital 29a	27: row 39a	-	MT does not support the additional requirement to include more sampling points in hotspot areas. MT already has more than the

			recommended number of sampling points, and this requirement would further place a burden on small MS like Malta. Modelling can be used as a tool to improve understanding of impact of hotspots on air pollution.
Recital 30	28: row 40	+	MT supports the EP's position. The additions in the Council mandate generally reiterate what has already been stated in previous recitals.
Recital 31	29: row 41	-	MT would like to retain the proposed recital 31 as amended by Council.
Recital 31a	30: row 41a	-	MT strongly opposes the EP proposal since this goes against the element of flexibility in Article 18. This is a red line for Malta.
Recital 32	31: row 42	-	MT does not see the added value in defining air quality roadmaps.
Recital 34	32: row 44	-	MT prefers to retain the text proposed by Council.
Recital 35	33: row 45	+/-	Can support the EP's amendments excluding the reference to air quality roadmaps.
Recital 35a	34: row 45a	-	<p>MT does not see the need to include this proposal when it can be easily incorporated in the previous recital as follows (incorporating both Commission, Council and EP amendments, removing reference to air quality roadmaps):</p> <p>(35) It is necessary for the Member States and the Commission to collect, exchange and disseminate air quality information in order to understand better the impacts of air pollution and develop appropriate policies. <u>Available up-to-date information on concentrations of all regulated pollutants in ambient air, information regarding impacts on health</u>, as well as air quality plans, air-quality road maps and short-term action plans should also be readily available to the public <i>in a coherent and easily understandable manner through digital and non-digital means.</i></p>
Recital 40	35: row 50	-	<p>MT does not support this proposal in its entirety, including the addition of reference to new articles. The inclusion of Article 13 is also not supported with respect to access to compensation, particularly since such actions will lead to additional burden on governments and authorities that are monitoring and implementing measures to ensure that levels are not exceeded. The Council's proposal already provides citizens with the right to compensation if MS are not taking action to implement successful air quality plans.</p> <p>The inclusion of 19(2) is not supported since ozone is of a transboundary origin. MT also does not support the inclusion of 19(5), 19(6), 19(7), 20(3), 20(4), 20(5), 21; these are matters that should not be subject to compensation.</p> <p>The reference to 'well-being' is too broad and is therefore not supported.</p>
Recital 40a	36: row 50a	-	MT opposes this inclusion due to its link to the proposal in Article 28.
Art 1 (1)	37: row 58	+	MT can support the additions proposed by EP
Art 1 (2)	295: row 59	-	MT does not support the proposed amendments especially the reference to the 2035 limit values. This is red line for Malta.
Art 1 (3)	39: row 60	+	MT can support the additions proposed by EP
Art 2(1)	40: rows 61-65	+	MT can support the additions proposed by EP, however, the text by proposed by the Council should also be added:

			measures for monitoring current ambient air quality and long-term trends and impacts of Union and national measures , as well as measures established in cooperation with third countries , on ambient air quality;
Art 2(1.4)	41: row 66	+	MT can support the additions proposed by EP
Art 2 (1.6)	42: row 68	+	MT can support the additions proposed by EP
Art 3(1)	43: row 70	-	The Council's position is preferred, particularly with reference to the timeframe related to the review. However, the addition of the EP on the review can be supported.
Art 3 (2)	44: rows 71,72,73	-	MT cannot support the EP's proposal to fully align the Directive with the WHO guidelines particularly since this creates substantial burden on MS.
Art 3 (2.3a)	45: row 74	+	MT can support the additions proposed by EP
Art 3 (2.3b)	46: row 75	+	MT can support the additions proposed by EP
Art 3(2.3c)	47: row 76	+	MT can support the additions proposed by EP
Art 3(2.3. ca)	48: row 76a	+	MT can support the additions proposed by EP. Further to the EP's proposal MT would like to highlight that the cost-benefit analysis shall be carried out per country and not a union wide analysis since small MS have different characteristics that need to be considered when compared to other larger MS.
Art 3 (2.3 da)	49: row 77a	+	MT can support the additions proposed by EP, however, the Council's proposed indent (e) is preferred since it is more generic and can include source legislation other than climate, transport or energy related, such as agriculture, etc.
Art 3 (2.3 db)	50: row 77b	-	MT prefers the Council's proposal since this information might not only consist of stricter standards.
Art 3 (2.3a)	51: row 77c	+	MT can support the additions proposed by EP
Art 3 (2a)	52: row 77d	-	MT does not support the additional proposal. In the coming years MS will start making preparations to attain compliance with the 2030 LV. If new LVs or other standards are proposed, MS will find it difficult to attain these by the deadline and will result in an additional burden on low-income families due to stricter implementable measures needed for compliance with more stringent standards. MT also does not support the 2028 date for the review and fully supports the Council's proposed timeframe.
Art 3 (4)	53: row 79	-	Malta does not support the inclusion of the non-regression principle.
Art 4(1.1)	54: row 82a	+	MT can support the additions proposed by EP
Art 4 (1.21)	55: row 102	-	MT cannot support the deletion of the definition for <i>objective estimation</i>
Art 4 (1.23)	56: row 104	+	MT can support the additions proposed by EP
Art 4 (1.24)	57: row 105	+	MT can support the additions proposed by EP
Art 4 (1.24a)	58: 105a	+	MT can support this definition
Art 4 (1.26)	59: row 107	-	MT prefers the Council's proposal.
Art 4 (1.28)	60: row 109	+	MT can support the amendment to NUTS level 2 if this does not change, however, MT would still prefer the Council's position on

			territorial units and keeping it generic so that MS may apply territorial units as required.
Art 4(1.29)	61: row 110	-	MT can support the amendment to NUTS level 2 if this does not change, however, MT would still prefer the Council's position on territorial units and keeping it generic so that MS may apply territorial units as required. MT does not support the additional text proposed by the EP
Art 4(1.30)	62: row 111	-	MT prefers the Council's position.
Art 4 (1.35)	63: row 116	+	MT can support the additions proposed by EP
Art 4 (1.35a)	296: row 116a	-	MT does not see the added value of defining air quality roadmaps.
Art 4(1.36)	65: row 117	+	MT can support the additions proposed by EP
Art 4(1.38)	66: row 119	-	Council's proposal is preferred.
Art 4 (1.39)	67: row 120	+	MT can support the additions proposed by EP
Art 5 (1b)	68: row 124	+	MT can support the additions proposed by EP
Art 5 (1c)	69: row 125	/	MT has no objection to this proposal.
Art 5 (1d)	70: row 126	-	Council's proposal is preferred
Art 5 (1g)	71: row 129	+	MT can support the additions proposed by EP but with the Council's additions included
Art 5 (1h)	72: row 130	-	MT does not see an added value in defining air quality roadmaps
Art 5 (1ia)	73: row 131a	+	MT can support the additions proposed by EP since MT already has the index in place
Art 8 (4)	74: row 146	-	MT prefers the amendments proposed by Council as it provides more flexibility
Art 8 (5)	75: row 147	-	MT prefers the amendments proposed by Council particularly in view of the timeframes proposed
Art 8 (7)	76: row 149	-	MT does not support the introduction of additional monitoring requirements for BC, ammonia and mercury in sites where UFPs should be monitored. The monitoring of UFPs in multiple locations, places an excessive burden in terms of costs and human resources, particularly when the added benefit is insignificant for small MS such as Malta. Adding new pollutants to the monitoring regime in such locations, further increases such burdens.
Art 9 (1a)	77: row 152a	-	MT does not support the EP's proposal since MT already has more than the required number of sampling points, not to mention the additional monitoring sites for the monitoring of UFPs. The proposed text suggests that the locations of such sampling points should be re-thought in order to ensure representation of the exposure of at-risk communities. Assessing the spatial representativeness of the sampling points will provide more information on whether such vulnerable groups are being represented and MS should then be given the freedom to install indicative measurements or model if more information is needed to assess exposure.
Art 9 (2)	78: row 154	/	No specific comments since changes are only of an aesthetic nature

Art 9 (3c)	79: row 158	-	Council's proposal is preferred particularly in view of the removal of the timeframe.
Art 9 (5)	80: row 161	/	No specific comments since changes are only of an aesthetic nature
Art 9 (7)	81: row 163	-	MT does not support the amendments proposed by EP
Art 10 (1.1)	82: row 165	+	MT can support the amendments proposed by EP since for Malta only one supersite is still required at urban background location.
Art 10 (5)	83: row 170	-	Council's deletion is supported over the EP's amendments
Art 10 (6a)	84: row 172	-	Council's deletion is supported over the EP's amendments
Art 10 (6b)	85: row 173	-	Council's deletion is supported over the EP's amendments
Art 10 (6c)	86: row 174	-	Council's deletion is supported over the EP's amendments
Art 10 (7)	87: row 175	-	Council's deletion is supported over the EP's amendments
Art 12	88: row 182	-	MT does not support the deletion of the term <i>but above the assessment threshold</i> since this is a scenario which many MS will face in the coming years, so referring to it in the text is ideal.
Art 12 (2)	89: row 184	-	MT prefers to retain the text <i>endeavor to</i> particularly since the ozone in MT's case is a transboundary pollutant and Malta has very little control over its origin, thus making it difficult for Malta to attain the target value. In addition, MT does not support the amendments and additional text proposed by the EP.
Art 12 (3)	90: row 185	+	MT can support the amendment to NUTS level 2 if this does not change, however, MT would still prefer the Council's position on territorial units and keeping it generic so that MS may apply territorial units as required.
Art 12 (4)	91: row 186	-	Whilst MT can agree to the text related to the protection of sensitive population and vulnerable groups, MT cannot accept the streamlining of LVs with those proposed by the WHO since these are too ambitious and can never be attained by MT in the short to medium term. As we have already specified, the Commission's proposed LV are already too ambitious so opting for more ambitious standards would not be supported by MT.
Art 13 (3)	92: row 190	+	MT can support the amendment to NUTS level 2 if this does not change, however, MT would still prefer the Council's position on territorial units and keeping it generic so that MS may apply territorial units as required.
Art 13 (6)	297: row 193	-	MT cannot support the EP's proposal to have intermediate LVs attainable by 2030 and more ambitious LVs attainable by 2035. Although MT understands the EP's position to push towards more ambitious LVs, MT will find it very difficult to manage to attain the Commission's proposed LVs by 2030, let alone the EP's proposed limit values by 2035. As we have already mentioned, the attainment of such limit values requires drastic changes in road transport policy, which will have an impact on low-income families. Furthermore, MT does not have many options for alternative mobility.
Art 15 (1)	94: row 198	+	MT can support the amendment as long as the exclusion for short terms action plans for ozone and particulate matter remain under Article 20.

Art 15 (2)	95: row 199	-	MT does not support the introduction of additional pollutants under the information thresholds particularly since MS are obliged to put in place an AQ Index which already informs people about local pollution. Having additional pollutants as information thresholds, would create unnecessary burden on MS to communicate already available information across various media platforms.
Art 15 (2a)	96: row 199a	-	MT does not support this proposal
Art 15 (3)	97: row 200	+	<p>MT can support the additions made by the EP. MT would also like to point out that the Council's position is also favorable and MT can support the amalgamation of both proposals as follows:</p> <p>Where any alert threshold or any information threshold laid down in Section 4 of Annex I is exceeded or, when appropriate, if it is predicted to be exceeded based on modelling applications or other forecasting tools, Member States shall take the necessary steps to inform the public within a few hours at the latest the shortest possible timeframe, in accordance with point 2 and 3 of Annex IX, <u>in a coherent and easily understandable manner, providing detailed information about the severity of the exceedance and the associated health impacts, as well as suggestions for the protection of the population, with a special focus on sensitive population and vulnerable groups.</u> Member States shall make use of different media and communication channels and <u>ensure</u> broad public access.</p>
Art 15 (3a)	98: row 200a	+	MT can support subject to the exclusion of the new pollutants proposed by EP. We can support if this is only referring to ozone as an information threshold.
Art 15 (4)	99: row 201	/	No specific comment. MT can support either the EP's position or have this clause as a separate paragraph or support the Council's merging in para 3.
Art 16 (1b)	100: row 205	+	MT can support the amendment to NUTS level 2 if this does not change, however, MT would still prefer the Council's position on territorial units and keeping it generic so that MS may apply territorial units as required.
Art 16 (2)	101: row 206	-	<p>Whilst MT can support the amendments proposed in indent (b), we are not sure what the purpose of indent (c) is and how the pollutants affected by natural sources relate to climate change and the strategy for adaptation to climate change. MT does not support indent (c).</p> <p>Furthermore, MT can support the amendment to NUTS level 2 if this does not change, however, MT would still prefer the Council's position on territorial units and keeping it generic so that MS may apply territorial units as required.</p>
Art 16 (3)	102: row 207	-	MT does not understand why the EP is proposing to change this provision into a 'may' provision, when Member States already provide evidence and justification on how natural sources have been considered when assessing exceedances. Although in principle, the gist of the paragraph remains the same, MT would prefer to keep the original text proposed by the CION and agreed upon by Council.
Art 17 (1)	103: row 209	/	No specific comments as this article does not apply to MT since this is not a practice carried out in MT.

Art 18 (1)	298: row 214		MT does not support the EP amendments and prefers the inclusion of the Council's position particularly in view of the flexibility allowed to MS in terms of the postponement deadline. This is a red line for Malta.
Art 18 (1a new)	105: row 214a	+	Malta can support the proposed text.
Art 18 (1a)	106: row 215	-	Malta does not see the added value in defining air quality plan roadmaps.
Art 18 (1b)	107: row 216	-	MT cannot support this text at this stage since we do not yet have the set up in place.
Art 18 (1c)	108: row 217	+	MT can support reference to clear information but not air quality roadmaps.
Art 18 (1d)	109: row 218	+/-	MT can support reference to funding, although we do not see any added benefit in including that text. MT does not support reference to AQ roadmaps.
Art 18 (2)	110: row 219	-	MT cannot support this text at this stage since we do not yet have the set up in place.
Art 19	111: row 223	-	MT sees no added value in defining air quality roadmaps.
Art 19 (1)	299: row 223a	-	MT does not support the notion of intermediate LVs to be attained by 2030 and stricter limit values to be attained by 2035. Malta does not see the added value of defining air quality roadmaps, and in this amendment in particular does not support the timeframes associated with the roadmap. The Council's position on air quality plan timeframes should be adhered to (i.e. 3years for establishment of plan and 6 years from recorded exceedance for implementation).
Art 19 (1.1)	113: row 224	-	MT is in full support of the Council's proposed time frames and therefore cannot support the EP's amendments if the timeframes remain as such.
Art 19 (1.2)	114: row 225	-	MT is in full support of the Council's proposed time frames and therefore cannot support the EP's amendments if the timeframes remain as such.
Art 19 (2.1)	115: row 226	-	Same comments as previous ones refer on NUTS 2. MT does not support the term 'sufficient' measures in the case of ozone, due to its transboundary origin. For the same reason, allocating a deadline of 3 years is considered to be inadequate since compliance also depends on regional cooperation.
Art 19 (2.2)	116: row 227	-	MT is in full support of the Council's proposed time frames and therefore cannot support the EP's amendments if the timeframes remain as such.
Art 19 (2.3)	117: row 228	+	Same comments as previous ones refer on NUTS 2.
Art 19 (3.1)	118: row 229	-	MT is in full support of the Council's proposed time frames and therefore cannot support the EP's amendments if the timeframes remain as such. Same comments as previous ones refer on NUTS 2.
Art 19 (3.2)	119: row 230	-	MT is in full support of the Council's proposed time frames and therefore cannot support the EP's amendments if the timeframes remain as such.
Art 19 (4)	120: row 231	-	MT supports the retaining of the Council's proposal since we see no added value in defining air quality plan roadmaps.
Art 19 (5.1)	121: row 233	-	MT does not see an added value in defining air quality plan roadmaps.

Art 19 (5.1 ba)	122: row 235a	+	MT can support
Art 19 (5.1c)	123: row 236	-	MT prefers the Council's proposal.
Art 19 (5.2)	124: row 237	-	MT does not see an added value in defining air quality roadmaps and prefers to have the flexibility of the term <i>shall consider including</i>
Art 19 (5.3)	125: row 238	-	MT does not see an added value in defining air quality roadmaps.
Art 19 (5.4)	126: row 239	-	MT does not see an added value in defining air quality roadmaps.
Art 19 (5.5)	127: row 240	-	MT does not see an added value in defining air quality roadmaps but has no objection to the reference to 'biodiversity protection'.
Art 19 (5a)	128: row 240a	+	MT can support
Art 19 (6.1 new)	129: row 240b	-	MT does not support this addition since MS have different procedures in place when issuing documents for public comments and consultations. MS shall be given the freedom to act in accordance with the procedures laid down in their own national legislation.
Art 19 (6.1)	130: row 241	-	MT does not see an added value in defining air quality roadmaps.
Art 19 (6.2)	131: row 242	/	No objection but removing reference to air quality roadmaps.
Art 19 (7)	132: row 243	-	MT does not see an added value in defining air quality roadmaps.
Art 19 (7a)	133: row 243a	/	No objection but removing reference to air quality roadmaps.
Art 19 (7b)	134: row 243b	+	MT can support, however removing reference to air quality roadmaps.
Art 19 (7c)	135: row 243c	+	MT can support, however removing reference to air quality roadmaps.
Art 20 (1.2)	136: row 246	+	MT can support. However, MT would like to emphasize that Particulate matter should also be included as a pollutant under this clause as proposed by Council.
Art 20 (1.2a)	137: row 246a	+	MT can support
Art 20 (2)	138: row 247	/	No objection.
Art 20 (3a)	139: row 248a	/	No objection.
Art 20 (4)	140: row 249	+	MT can support
Art 20 (4a)	141: row 249a	-	MT can only support if this is a <i>may</i> provision
Art 20 (5a)	142: row 250a	+	MT can support
Art 21 (1.2)	143: row 253	+	MT can support
Art 21 (1.2a)	144: row 253a	+	MT can support
Art 21 (1.2.3)	145: row 254	-	MT prefers the timeframe in the Council position.

Art 21 (2)	146: row 255	+	MT can support
Art 21 (3a)	147: row 256a	+	MT can support
Art 22 (1)	148: row 261	+	MT can support
Art 22 (1a)	149: row 262	/	No objection
Art 22 (1aa)	150: row 262a	/	No objection
Art 22 (1c)	151: row 264	-	MT does not see an added value in defining air quality roadmaps.
Art 22 (1d)	152: row 265	+	MT can support
Art 22 (1da)	153: row 265a	+	MT can support
Art 22 (1db)	154: row 265b	+	MT can support
Art 22 (1dc)	155: row 265c	/	No objection
Art 22 (1e)	156: row 266	+	MT can support
Art 22 (2)	157: row 267	/	No specific comments since Malta already set up an air quality index in line with the EEA's and makes it available on the website of the environment authority responsible for regulating air quality.
Art 22 (2a)	158: row 267a	/	Same as above
Art 22 (2b)	159: row 267b	-	Whilst MT has no objection to provide this information online, making it available in the mentioned buildings can be an administrative burden and believes that online promotion including media should be enough to reach the target audience.
Art 22 (3)	160: row 268	/	No specific comments as in MT both articles are implemented by the same authority.
Art 22 (4)	161: row 269	+	MT can support
Art 23 (2)	162: row 272	-	MT cannot support this proposed time frame since MT heavily relies on foreign lab services for the analysis of certain pollutants, particularly heavy metals and polycyclic aromatic hydrocarbons. In this context, Malta strongly opposes this proposed reporting deadline, since it will be impossible for Malta to report on time particularly also in view of new reporting requirements which will put more administrative burdens on MS.
Art 23 (2a)	163: row 273	+	MT can support the amendment to NUTS level 2 if this does not change, however, MT would still prefer the Council's position on territorial units and keeping it generic so that MS may apply territorial units as required.
Art 23 (2b)	164: row 274	+	MT can support the amendment to NUTS level 2 if this does not change, however, MT would still prefer the Council's position on territorial units and keeping it generic so that MS may apply territorial units as required.
Art 25 (2)	165: row 291	-	MT objects to this proposal in particular with reference to the mention of Article 29(3a) since penalties are to be determined at a national level.

Art 25 (3)	166: row 292	-	MT objects to this proposal in particular with reference to the mention of Article 29(3a) since penalties are to be determined at a national level.
Art 25 (5.2)	167: row 295	-	MT objects to this proposal in particular with reference to the mention of Article 29(3a) since penalties are to be determined at a national level.
Art 27 (1)	168: row 301	-	MT objects to this proposal, access to a review procedure should not be made available on classification of zones and air monitoring networks.
Art 27 (1.3)	169: row 305	-	MT objects to this in view that natural persons are already covered by Article 27(1).
Art 27 (2)	170: row 306	-	This is already covered by Recital 39 which is all encompassing so there is no need for such amendment.
Art 28 (1)	171: row 311	-	MT supports Council position.
Art 28 (2)	172: row 312	-	MT does not support collective action.
Art 28 (4)	173: row 314	-	MT supports the Council position,
Art 28 (4.2a)	174: row 315a	-	MT strongly opposes this proposal which is a red line.
Art 28 (4.2b)	175: row 315b	-	MT opposes this proposal. Competent authorities would be presumed guilty for not sharing information.
Art 28 (4a)	176: row 315c	-	MT does not support this amendment.
Art 28 (6)	177: row 317	-	MT strongly opposes this proposal since it is conflicting with national law.
Art 29 (3aa)	178: row 322a	-	MT opposes this proposal since these would be very hard to estimate.
Art 29 (3c)	179: row 324	/	No objection.
Art 29 (3d)	180i: row 325	+	MT can support EP proposal.
Art 29 (3a)	181: row 325a	-	MT opposes this proposal, determination of penalties should be left up to the Member State.
Art 29 (3b)	182: row 325b	-	MS should have the flexibility to determine the best use of such revenues.
Art 31 (1)	183: row 331	/	Depends on the way forward of the mentioned articles.
Art 31 (1a)	184: row 331a	-	MT does not support the majority of proposed changes to Article 19.
Annex I	300 and 330	-	The EP amendments are recommending that stricter limit values than those outlined in the Council's proposal are to be met by 2035. This is not supported by MT.
Annex I Section I	185	/	There seems to be no change proposed in this AM.185, other than the footnote number not matching the footnote number linked with carbon monoxide.
Annex I Section I table 1A title	301	-	MT does not support the inclusion of intermediate LVs and would prefer if this table is the only table to refer to in terms of LVs. Therefore the term intermediate should also be removed.
Annex I Section I table 1A	302	/	No specific comments.

Annex I Section 2B	186	-	MT does not support the proposed stricter target value for ozone
Annex I Section 2C	187	-	MT does not support the proposed peak season long-term objective for ozone particularly since the majority of ozone originates from transboundary sources so MT cannot mitigate ozone formation. Some tropospheric ozone is also originates from the stratosphere and by photochemistry from naturally originating VOCs,
Annex I Section 4	188	/	No objection.
Annex I Section 4.1	189	/	No objection.
Annex I Section 4A	190	-	MT does not support the proposed stricter values for NO ₂ but can accept the inclusion of ozone in this table.
Annex I Section 4B title	191	/	No objection.
Annex I Section 4B1	192	-	MT does not support the addition of NO ₂ , PM and SO ₂ in the list of information thresholds irrespective of monitoring period assigned.
Annex I Section 4B table	193	-	MT does not support the introduction of new pollutants in the information threshold clause. This will create added burden on MS to continuously monitor and release information to the public regarding health-related concerns. EP already included provisions on making available information on the health effects of pollutants under the articles, so MT does not see a need to burden MS with continuously providing information if there are exceedances. In this context, Malta strongly opposes these new proposed alert thresholds.
Annex I Section 5A	194	+	MT can support changes, however, MT previous position on NUTS units applies here as well.
Annex I Section 5A.2	195	+	MT does not see the added benefit of including this text but can support
Annex I section 5B	196	-	MT does not support shortening of the period for the AEI
Annex I Section 5B.1	197	-	MT does not support shortening of the period for the AEI
Annex II Section I title	303	-	MT does not support assessment thresholds applicable to 2035 limit values.
Annex II Section I table	198	-	MT insists that the assessment threshold agreed by the Council shall be retained. Hence, MT sees no need for Table 1 of Section I.

Annex II Section IA title	304	/	No comments.
Annex II Section IA table	305	/	No comments.
Annex III Section A	199	-	MT does not support information thresholds other than for ozone.
Annex III Section A.1	200	-	MT does not support information thresholds other than for ozone.
Annex III Section A.1 table	201	-	MT does not support this amendment since it reduces flexibility.
Annex III Section A1.3	202	-	MT does not support linking the number of sampling points with the information threshold.
Annex III section A1 table	203	-	MT does not support linking the number of sampling points with the information threshold.
Annex III Section A1.5	204	+/-	MT can agree to the addition of air pollution hotspots as per support of definition but not the addition of SO ₂ . Levels of SO ₂ in Malta are negligible.
Annex III Section A16	205	/	No objection.
Annex III Section B	206	/	No comments.
Annex III Section D title	207	-	MT does not support the additional monitoring of pollutants.
Annex III Section D1	208	-	MT does not support the additional monitoring of pollutants.
Annex III Section D2	209	-	MT does not support the additional monitoring of pollutants.
Annex IV Section A (1.2c)	210	/	No objection.
Annex IV Section B2a	211	/	No objection.
Annex IV Section B2ai	212	/	No objection.
Annex IV Section B2aii	213	-	MT prefers the Council's proposal.

Annex IV Section B2ba	214	-	MT does not support the EP proposal.
Annex IV Section B2c	215	/	No objection.
Annex IV Section B2ca	216	-	MT does not see the need for such detail which makes the choice for sampling locations much more difficult and restrictive.
Annex IV Section B2cb	217	-	MT does not see the need for such detail which makes the choice for sampling locations much more difficult and restrictive.
Annex IV Section B2d	218	-	MT does not see the need for such detail which makes the choice for sampling locations much more difficult and restrictive.
Annex IV Section B 2e	219	-	MT does not see the need for such detail which makes the choice for sampling locations much more difficult and restrictive.
Annex IV Section B2f	220	/	No objection.
Annex IV Section B2i	221	-	Flexibility is to be retained.
Annex IV Section B table	222	/	No comments.
Annex IV Section C	223	-	Flexibility is to be retained.
Annex IV Section C1b	224	-	MT prefers the Council proposal
Annex IV Section C1e	225	-	MT does not support this proposal. It is important to retain trends for comparability with current siting criteria.
Annex IV Section C1f	226	-	Flexibility is to be retained.
Annex IV Section D1	227	-	MT prefers the Council's proposal.
Annex IV Section D2	228	/	No objection.
Annex IV Section D3	229	-	MT prefers the Council proposal
Annex IV Section D4	230	-	MT prefers the Council proposal
Annex IV Section D5	231	-	MT prefers the Council proposal
Annex IV Section D9	232	-	MT prefers the Council proposal

Annex IV Section D10a	233	/	No objection.
Annex V title	306	-	MT does not support air quality standards for 2035.
Annex V Section A table	234	-	MT does not support changes to this table.
Annex V section A2 table	235	-	MT does not support changes to this table.
Annex V Section A2.3	236	-	MT prefers the Council's proposal.
Annex V Section A2.9	237	/	No objection.
Annex V Section A2.10	238	-	MT does not support this proposal.
Annex V Section AA	307	-	MT prefers the Council's proposal. It is premature to introduce uncertainty for modelling
Annex V section AA table	308	-	MT prefers the Council's proposal.
Annex V Section AA2 table	309	-	MT prefers the Council's proposal.
Annex V Section B	239	/	No objection.
Annex V section D	240	-	MT prefers the Council's proposal.
Annex V Section Dca	241	/	No objection.
Annex V Section Dea	242	/	This is not applicable to Malta.
Annex V section F	243	+	MT can support this proposal
Annex VI Section B	244	-	MT prefers the Council's proposal since it is more flexible.
Annex VII Section I	245	+	MT can support this proposal
Annex VII Section IC	246	+	MT can support this proposal
Annex VII Section 2	247	-	MT is not able to support additional monitoring requirements.

Annex VII Section 3	248	-	MT is not able to support additional monitoring obligations over and above those outlined in the Council's proposal.
Annex VII Section 3b	249	-	MT is not able to support additional monitoring obligations over and above those outlined in the Council's proposal.
Annex VII Section 3c	250	-	MT is not able to support additional monitoring obligations over and above those outlined in the Council's proposal.
Annex VIII	251	-	MT does not support air quality roadmaps
Annex VIII Section A	252	/	No objection
Annex VIII Section A2c	253	-	MT prefers the Council's proposal
Annex VIII Section A3	254	-	MT does not support air quality roadmaps
Annex VIII Section A3a	255	-	MT prefers the Council's proposal, the assessment of health effects is very complex and might not be possible.
Annex VIII Section A4a	256	-	MT prefers the Council's proposal
Annex VIII Section A4b	257	-	MT prefers the Council's proposal
Annex VIII Section A4d	258	-	MT prefers the Council's proposal
Annex VIII Section A4a new	259	+	MT might be able to support if submission of this information is made available where possible.
Annex VIII Section A4b	260	+	MT might be able to support if submission of this information is made available where possible.
Annex VII Section A5	261	-	MT supports the timeframes laid down in the Council's proposal.
Annex VIII Section A5b	262	/	No objection but removal of reference to air quality roadmaps
Annex VIII Section A5ba	263	-	MT cannot support this proposal
Annex VIII section A6a new	264	+	MT might be able to support if submission of this information is made available where possible.

Annex VIII Section A6a	265	/	No objection but removal of reference to air quality roadmaps
Annex VIII Section A6b	266	-	MT prefers the Council's proposal. Quantification of emissions reduction per single measures is sometimes not possible due to lack of input data.
Annex VIII Section A6c	267	-	MT prefers the Council's proposal
Annex VIII Section A6d	268	-	MT prefers the Council's proposal. Quantification of emissions reduction per single measures is sometimes not possible due to lack of input data.
Annex VIII Section A7d	269	+	MT can support
Annex VIII Section A7a	270	/	No objection but removal of reference to air quality roadmaps
Annex VIII Section B	271	/	No objection but removal of reference to air quality roadmaps
Annex VIII Section B2c	272	/	No objection but removal of reference to air quality roadmaps
Annex VIII Section B2ca	273	/	No objection but removal of reference to air quality roadmaps
Annex VIII Section B2cb	274		Proposal is being analysed
Annex VIII Section B2cc	275	/	No objection but removal of reference to air quality roadmaps
Annex VIII Section B2d	276		Proposal is being analysed
Annex VIII Section B2e	277		Proposal is being analysed
Annex VIII Section B2g	278	/	No objection
Annex VIII Section B2ha	279		Proposal is being analysed
Annex VIII Section B2hb	280		Proposal is being analysed

Annex VIII Section B2hc	281	/	No objection
Annex VIII Section B2i	282	/	No objection
Annex VIII Section B2ia	283		Proposal is being analysed
Annex VIII Section Ba	284	+	MT might be able to support if submission of this information is made available where possible.
Annex VIIIa	285	-	MT prefers the Council's proposal
Anex IX 1b	286	-	MT prefers the Council's proposal
Annex IX 1c	287	-	MT MT prefers the Council's proposal and does not support inclusion of other pollutants aside from ozone in information thresholds.
Annex IX 1di	288	/	No objection
Annex IX 1dii	289	/	No objection
Annex IX 1div	290	/	No objection
Annex IX 2	291	-	MT prefers the Council's proposal