



Council of the European Union
General Secretariat

**Interinstitutional files:
2022/0347 (COD)**

Brussels, 17 January 2024

WK 403/2024 ADD 3

LIMITE

ENV

ENER

IND

TRANS

ENT

SAN

AGRI

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

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 9 January 2024 - comments from a delegation

Following the call for comments on the above set out with WK 265/2024, delegations will find attached comments from HR.

CROATIA

Table for delegations' comments on steering note questions

+ = Support

- = Oppose

/ = No comments

Subject	Row 4-column table	Article, paragraph or Annex	Steering note questions	Delegation position	Additional comments
Information and alert thresholds	199a	art. 15 (2a)	Question 1	+/-	We see Art. 15 directly linked to Art 20. If the fallback position (question 3 – row 246) for Art 20(1) second subpara is to be accepted does it mean that MS may not refrain from establishing STAP?
Information and alert thresholds	200	art. 15 (3)	Question 2	+/-	Scrutiny reservation
Short-term action plans (STAP)	246	art. 20 (1), second subparagraph	Question 3	-	If the fallback position is accepted, does it mean that MS may not refrain from establishing Short-term action plans? It seems that new (minimum) content of STAP is proposed and “refrain option” is going to be deleted? We strongly support keeping the flexibility in Art. 20(1) subpara 2 – MS may refrain from establishing STAP
Short-term action plans	/	Annex VIIIa	Question 4	+	We accept the following: Replacing : to be taken – to be considered c) stricter emission limits - deleted 2) proactive measures – deleted
Short-term action plans	249	art. 20 (4)	Question 5	+/-	We seek for clarification what exactly means the term “healthcare professionals “.
Short-term action plans	250a	art. 20 (5a)	Question 6	+	Guidelines for STAP

Information and alert thresholds	/	Annex I section 4	Question 7	-	We do not support stronger alert threshold for SO2 and NO2
Information and alert thresholds	/	Annex I section 4	Question 8	-	We do not support new information threshold for SO2 and NO2
Information and alert thresholds	/	Annex I section 4	Question 9	-	We do not support new information threshold for PM
Air quality roadmaps	223a & 231	art. 19	Question 10	+/-	We do not have strong preference on wording in 19(4) – air quality plan or roadmap before 2030
Air quality roadmaps	223a & 231	art. 19	Question 11	/	<p>Scrutiny reservation</p> <p>We have concerns regarding the year 2025 as reference year for the roadmap and the year 2028 for establishing of the roadmap. We have concerns that it would not be feasible due to the transposition deadline which is end of 2026.</p> <p><u>The reason for concern is of legal and procedural nature (<i>ultra vires</i> doctrine) – establishing of the roadmap cannot be considered as obligation at the national level before the transposition process is completed.</u></p> <p><u>Data for 2025 are reported by the end of September 2026, which would from legal standpoint leave 2 years after transposition for establishing of the roadmap. Such approach requires an advance planning of proper resources to enable from 1 January 2027 immediate start of active involvement of all stakeholders in preparation and establishing of the roadmap.</u></p> <p>However, we understand and appreciate the clarification given in the Steering Note that since contrary to the AQP, a roadmap is not due in response to an exceedance, there are arguments for having less stringent timings on the roadmap. <u>We support arguments that when deciding on the appropriate timing for the roadmap, it needs to be taken into account that this roadmap is a prerequisite for obtaining a postponement under art. 18.</u> Since art. 18(2) states that the COM can raise objections to the requested postponement within 9 months (row</p>

					<p>220), it seems appropriate to have the roadmap established by the end of 2028 at the latest although we see such approach as rather challenging. Since the drafting of the roadmap is a one-time effort (with no update required as is the case for the AQP under 19(1)), we accept the proposal to refer to absolute dates rather than relative dates (“x years after ...”).</p> <p>We accept the same approach for the reference year for the roadmap, where exact year 2025 seems the most obvious choice (meaning that a roadmap needs to be established when there is an exceedance of the future standard in 2025). It will in most cases clear even before 2025 that there is an exceedance however <u>we would be in favour to consider some flexibility and to use more than one year as a reference (2025 or 2026) with the deadline for establishing of the roadmap by the end of 2028 or by end of March 2029 still enabling MS to have clarity on whether or not they can get the postponement before the end of 2029.</u></p>
Air quality standards	82a	art. 4, point (1a)	Question 12	/	Scrutiny reservation
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	-	Whole territory of Croatia corresponds to NUTS 1 therefore second criterion – below 3000-5000 km2 is not relevant for Croatia.
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	+/-	We strongly prefer to keep Council mandate – “NUTS 1 or part of ...” However, we might consider Option 2 since it is more flexible for us than Option 1.
Assessment criteria	144-145	art. 8(3)	Question 15	+/-	We do support further discussion on the role of modelling, but we still have general scrutiny for Art 8 and 9 and 7.
Assessment criteria	144-145	art. 8(3)	Question 16	+/-	We do support further discussion on the role of modelling, but we still have general scrutiny for Art 8 and 9 and 7.
Assessment criteria	144-145	art. 8(3)	Question 17	+/-	We do support further discussion on the role of modelling, but we still have general scrutiny for Art 8 and 9 and 7.

Assessment criteria	144-145	art. 8(3)	Question 18	+	We propose to consider new Option 18+16 - 18 +obligation for modelling would enter into force 2 years after publication of Impl. Act
Assessment criteria	144-145	art. 8(3)	Question 19	/	Issue of different modelling applications – scale and resolution
Assessment criteria	147	art. 8(5)	Question 20	-	We do not support deletion of the reference to indicative measurements
Assessment criteria	147	art. 8(5)	Question 21	-	6 months for additional monitoring – not feasible
Assessment criteria	150	art. 8(8)	Question 22	/	Bio-indicators – may to shall?
Sampling points	163b	art. 9	Question 23	+	UFP and BC – one obligatory sampling point per 5 mill inh
Sampling points	163b	art. 9	Question 24	-	Raising the number of monitoring stations for UFP and BC
Supersites	169b	art. 10 (4a)	Room doc question 1	-	<p>We believe that the option of measurements (flexibility) should be left at the measuring stations where the concentrations are below the assessment threshold, requesting a minimum of 2 years of measurements during 5 years.</p> <p>The main advantage of fixed measurements, compared to indicative ones, is lower measurement uncertainty and greater data coverage, as well as comparability and interpretation of results for different pollutants (which is more difficult if indicative measurements are used because they are performed at different times for different substances or for different locations). The implementation of air quality measurements using reference methods has significantly higher financial costs compared to indicative measurements and requires skilled and professional staff. Given that this amendment to the Directive intends to expand the measurement of pollutant concentrations at a larger number of measurement sites, we believe that it is more useful to retain the option of implementing indicative measurements at urban measuring superstations.</p>
Supersites	169b	art. 10 (4a)	Room doc question 2	+	We believe that the option of measurements (flexibility) should be left at the measuring stations where the concentrations are below the

					assessment threshold, requesting a minimum of 2 years of measurements during 5 years
Supersites	/	Annex VII table 2 and 3	Room doc question 3	+	<p>We agree with the inclusion of SO₂ in Tables 2 and 3 of Annex VII.</p> <p>Regarding questions 3, 4 and 5, measurements of SO₂, CO and benzene at rural background stations in Croatia are already carried out using reference methods, and the application of these proposals will not result in the need to purchase new measuring equipment, given that EU structural fund project AirQ has been successfully completed. .</p>
Supersites	/	Annex VII table 2 and 3	Room doc question 4	+	We agree with the inclusion of CO in tables 2 and 3 of Annex VII.
Supersites	/	Annex VII table 2 and 3	Room doc question 5	+	We agree with the inclusion of benzene in tables 2 and 3 of Annex VII
Supersites	/	Annex VII table 2	Room doc question 6	-	<p>We believe that oxidative potential (OP) measurements should be exclusively a recommendation, not an obligation, both at urban and rural supersites.</p> <p>The main reason is that OP measurement methods are not uniform or standardized for now and there are no guidelines from AQUILA or other competent bodies. If OP measurements become mandatory, we believe that there is a greater need to measure them at urban supersites than at rural ones (meaning, the opposite of what was proposed), to enable the assessment of human exposure and possible health effects. Given that OP is used as a measure for specific acute health effects, such information would be useful for future epidemiological research in areas where more people live.</p>
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	<p>NH₃ and Hg measurements at urban supersites should be recommended, not obligatory.</p> <p>At the recently held meeting of RE-URBANS, ACTRIS and AQUILA experts regarding the measurement of NH₃, BC, VOC and UFC concentrations at measuring stations in the EU, it was evident that considerable harmonization of methodologies will be required for future measurements of these pollutants. There was also discussion about the costs of measurement, which depend on the choice of</p>

					<p>method, and that it is necessary to ensure quality control programs and sufficient staff capacities to carry out measurements. The latest research shows that in some urban areas NH₃ concentrations have an increasing concentration trends (which is probably a consequence of the increase in the number of vehicles with catalysts), and in view of this fact, it would be favourable to introduce continuous measurements in urban areas. However, at this moment, NH₃ measurement methods are not uniform or standardized, so various methods are used, from passive collectors to automatic devices, which give results in different time resolutions. Also, there are no guidelines or agreement from AQUILA or ACTRIS which method to use at the measuring stations. Because of the lack of a standardized measurement method, we believe that for now NH₃ measurements should only be recommended and not mandatory, in the first place to avoid unnecessary investment costs in equipment and personnel for establishing measurements with a method that may not ultimately be chosen as a standard.</p> <p>In Croatia, as part of the national air quality monitoring network, NH₃ sampling is carried out at 6 locations (rural) on impregnated filters, followed by ion chromatography analysis, and Hg measurements at 1 location (suburban, background) based on the principle of cold vapor - atomic absorption.</p>
Supersites	New	art. 10 (5a)	Question 26	+	<p>Indicative measurement shall be conducted during the same period</p> <p>We agree that text of the Directive should be amended with a new para 10(5a) as proposed, that Member States using indicative measurements for several pollutants at one or more superstations, carry out these measurements simultaneously during the same period, <u>where possible</u>.</p> <p>From a professional point of view, this is justified, but the expression "where possible" should definitely be kept, because there is a possibility that indicative measurements will not be possible to be</p>

					carried out simultaneously at some locations due to limited accommodation capacities, and not due to an insufficient number of measuring equipment. ...
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	Such proposal is more binding but also gives concrete obligations and further elaborations of proposed cooperation We suggest considering to add a link to Art 5. Responsibilities – joint group of experts representing competent authorities from art 5.
Amendments to Annexes	285	art. 24, first paragraph	Question 28	+/-	VIII -VIIIa (AQ plans)
Amendments to Annexes	285	art. 24, first paragraph	Question 29	+/-	IX (public information)
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	/	Art 27-29