



Council of the European Union
General Secretariat

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

Brussels, 12 January 2024

WK 403/2024 INIT

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 delegations

Following the call for comments on the above set out with WK 265/2024, delegations will find attached comments from CZ, DK, DE, EE, IE, ES, FR (followed by a courtesy translation), IT, CY, LV, NL, AT, PT, SK, FI and SE.

WK 403/2024 INIT

LIMITE

EN

CZECH REPUBLIC

Written comments following up the WPE held on 9th of January 2024 – revision of the Ambien Air Quality Directive

CZ thanks the Belgian Presidency for the very informative steering note. We would like to express our support for finding compromise with the European Parliament and finishing this file in the shortest possible time. Below we provide the written comments regarding the documents that were discussed at the WPE held on 9th of January 2024, including the Room document WK 167/2024 INIT.

Cluster 1: Green rows and yellow rows pending agreement by the Council listed under section 1.

CZ would like to express concern regarding yellow row n. 206 (art. 16(2)) and n. 207a (art. 16(3a), first subparagraph). In our opinion, natural pollution should be considered as an unpreventable force majeure regardless of any hypothetical measures, including measures linked to climate change, that could have been theoretically implemented in the past to minimise it. Therefore, we do not support the expression “*could not have been prevented*” and any reference to climate change that could weaken the ability of MS to deduct natural air pollution from the air quality assessment.

Regarding yellow row n. 253 (art. 21(1), second subparagraph), we could generally support this change, however, the draft agreement in the 4 column document in row n. 253 and the compromise text provided under Cluster 5 do not match. **We highlighted in yellow colour the parts of the text that do not match.**

The 4 column document version of the text:

*“1b .The Member States concerned shall cooperate with each other, including by establishing joint teams of experts and with the technical support of the Commission **contribution of pollution** to identify the sources of air pollution, **originating from** each Member State concerned to exceedances and the measures to be taken individually and in coordination with other Member States to address those sources, and draw up coordinated activities, such as the coordination of air quality plans pursuant to Article 19, in which each Member State shall address pollution sources located in its territory, in order to remove such exceedances .”*

Cluster 5 version of the text:

*“1b. The Member States concerned shall cooperate with each other, including by establishing joint teams of experts and with the technical support of the Commission, to identify the sources of air pollution, **contributions of those sources in** each Member State concerned to exceedances **in another Member State** and the measures to be taken individually and in coordination with other Member States to address those sources, and draw up coordinated activities, such as the coordination of air*

*quality plans pursuant to Article 19, in which each Member State **concerned** shall address pollution sources located in its territory, in order to remove such exceedances.”*

We prefer the text provided under Cluster 5, however, we noticed that the use of the expression “Member State” and “Member State concerned” might be confusing. To our understanding the provision under art. 21.1b is addressing the Member State affected by transboundary pollution and the Member State from which the air pollution originates, both of these parties should be referred to in art. 21.1b as “Member State concerned”, therefore, we suggest to amend the text of the art. 21.1b under Cluster 5 as follows in order to simplify it:

“1b. The Member States concerned shall cooperate with each other, including by establishing joint teams of experts and with the technical support of the Commission, to identify the sources of air pollution, contributions of those sources ~~in each Member State concerned~~ to exceedances ~~in another Member State~~ and the measures to be taken individually and in coordination with ~~other~~ Member States concerned to address those sources, and draw up coordinated activities, such as the coordination of air quality plans pursuant to Article 19, in which each Member State concerned shall address pollution sources located in its territory, in order to remove such exceedances.”

As for the yellow row n. 255 (art. 21(2)) we could be flexible towards the inclusion of the word “oversee” as the EP proposes. The Commission should have to, in our opinion, assume to some degree the role of a neutral party that will assess and oversee the transboundary cooperation between MS, therefore, we can be flexible here if it helps to reach a consensus with the EP regarding art. 21.

Regarding Cluster 2 to 5 we provide our written comments in the form of a table provided by the Presidency (updated version):

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 could support the text, however, only under the condition that the flexibility proposed by the Council in art. 20.2 second subparagraph (row 246) will be maintained (the possibility to refrain from establishing short term action plan for ozone and PM in certain cases).
Information and alert thresholds	200	art. 15 (3)	Question 2	+/-	<p>The text overlaps in our opinion with Annex IX. We suggest to specify any information that should be provided to the public therefore solely in Annex IX, and <u>not</u> directly in art. 15.3.</p> <p>The expression “<i>coherent and easily understandable manner</i>” could cause complications since the information that should be provided according to this art. and Annex IX is complicated in nature and cannot be always put in layman’s terms (especially when addressing minors/children and elderly people with reduced cognitive abilities). We suggest to amend this phrase as follows: “<i>whenever possible, in coherent and easily understandable manner</i>”. Furthermore, the emphasis on sensitive population and vulnerable groups is in our opinion redundant since the information provided under art. 15 should be in principle available to everyone.</p>
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	-	Regarding the fall-back option, we view the expression “ <i>best possible measure</i> ” as problematic, since for example for household heating the best possible measure would be removal of obsolete boilers which is in principle unsuitable for short term action plan. We suggest to discuss with the EP the fact that PM exceedances are caused

					<p>primarily by household heating, where large portion of obsolete boilers is expected to be operated by socially disadvantaged groups that have no resources to switch to more eco-friendly heating sources in the short term. Therefore, the PM exceedances cannot be targeted by short term measures without harming the socially disadvantaged groups, hence the Council proposal for PM derogation.</p> <p>If the EP will not be able to accept this argument, we alternatively propose the following amendment of art. 20.1 for the sake of compromise.</p> <p><i>“20.1 However, where there is a risk of exceedance of the alert threshold for ozone or particulate matter (PM10 and PM2.5), Member States may refrain from establishing such short-term action plans when there is no significant potential, taking into account national geographical, meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance <u>via short term measures</u>. Where a short-term action plan is not established, Member States shall inform the Commission. <u>Where a short-term action plan is not established for particulate matter (PM10 and PM2.5), Member States shall establish appropriate long to medium term measures to minimize the risk of exceedances of the concerned alert thresholds either in the air quality plan established according to Article 19, or national air pollution control programme prepared pursuant to Article 6 of Directive (EU) 2016/2284.”</u></i></p>
Short-term action plans	/	Annex VIIIa	Question 4	+	We could support the indicative list of measures suggested by the EP if amended in accordance with the PRES proposal.
Short-term action plans	249	art. 20 (4)	Question 5	+	<p>As for the text proposed by the EP we note that if the short term action plan is published, it will be available to everyone, therefore, the EP proposal is redundant. However, we can be flexible here.</p> <p>We also listened closely to the concerns of other MS and we agree that there could be some confusion concerning the implementation</p>

					phase, for example how to inform health care professionals and whether it is necessary to inform all of them individually. We interpret the provision as that it will be sufficient to publish the information under art. 20 and Annex IX using the “standard” publicly accessible communication channels (press releases, social media, specialised sections on web pages) and we do not actually need to send the information to each healthcare professional individually. We kindly ask the PRES to consult this interpretation with the EP as the practical impacts on certain proposals is not fully understood.
Short-term action plans	250a	art. 20 (5a)	Question 6	+	We can be flexible, however, to single out the Clean Air Forum is in our opinion unnecessary.
Information and alert thresholds	/	Annex I section 4	Question 7	+	We could be flexible regarding lowering the alert thresholds or introducing new information thresholds, however, the proposed threshold values seem to be too random. We note that by definition the alert and information thresholds should correspond to increased health risks. We therefore suggest to align the thresholds with WHO interim targets for a certain stage (for example with interim targets for stage 2), otherwise the selection process of these thresholds will be confusing for general public.
Information and alert thresholds	/	Annex I section 4	Question 8	+	We also agree with the expressed concern of other MS that lowering the thresholds too much would result in constant chain of smog alarms and smog information which would numb the public. We also note that the mechanism under art. 15 should not supplement information that ought to be provided via clean air index (meaning the information about near real time air quality status), otherwise art. 15 has no added value.
Information and alert thresholds	/	Annex I section 4	Question 9	+	We also suggest to make the timescale for alert and information threshold values more flexible since the use of 3day or 24hour period would delay the beginning and the end of the smog situation (especially in cases where meteorological situation drastically improves and the smog information is no longer meaningful). We

					<p>suggest for example the following:</p> <p>Annex I Section 4: <i>“To be measured over 3 consecutive hours in the case of sulphur dioxide and nitrogen dioxide, and over three consecutive days, <u>unless shorter period was deemed appropriate by Member State</u>, for PM10 and PM2.5, at locations representative of air quality over at least 100 km2 or an entire zone, whichever is the smaller.”</i></p>
Air quality roadmaps	223a & 231	art. 19	Question 10	-	<p>We prefer the term air quality plan. The position of the text should be maintained following the logic proposed by the COM and adopted by the Council.</p> <p>We find it confusing to promote in the directive new type of air quality plan (AQP) called roadmap. Regardless of the fact whether the AQP is issued before 2030 or after 2030 or whether it is targeting existing or future limit/target values, the goal of the AQP is always the same: to achieve certain level of air quality in a certain time period. Therefore, there is no real reason to call the AQP a ‘roadmap’.</p> <p>Moreover, there will be no practical reason for air quality roadmaps for the 2025 – 2030 period. Many MS will have to continue to issue AQP for the current limit and target values. So, MS could easily include into these AQP measures for the future limit values. This approach would be far more practical to avoid the need to issue AQP and roadmaps as two separate documents.</p> <p>The promotion/establishment of air quality roadmaps could in our opinion also devalue the importance of measures taken before 2030 for future limit values since air quality roadmaps could be perceived as truly just a “preparatory” document whose measures do not matter since it is not the AQP per se.</p> <p>Regarding the AQP prepared pursuant to art. 18, we also do not see the need to distinguish such a plan in the form of air quality roadmap since AQP pursuant to art. 18 should contain the same information as</p>

					<p>a “regular” AQP and it would target the period beyond 2030.</p> <p>Furthermore, from a practical point of view, the majority of MS will strive to postpone the attainment deadline pursuant to art. 18, meaning that the majority of MS will issue a full blown AQP targeting the period beyond 2030, therefore skipping the preparatory phase altogether which will render the air quality roadmap concept meaningless.</p>
Air quality roadmaps	223a & 231	art. 19	Question 11	-	<p>We view AQP under art. 19.4 and under art. 18 as a regular AQP. Therefore, we do not support the intention to refer to the reference year in absolute terms, we prefer the relative terms (X years after X), such relative term would allow us to use the best possible data that are available at the moment. Static reference year is too restricting in our opinion (COVID or other extreme events might happen which could make the static reference year not usable in the future).</p> <p>Also, we do not support the proposal of the EP for three months transposition deadline. It is impossible to transpose properly the revised art. 19 into national law in three months.</p>
Air quality standards	82a	art. 4, point (1a)	Question 12	+	<p>The definition for air quality standards is acceptable to us. We agree that the potential problems that could be caused by establishing such definition could be solved by excluding some standards from the problematic provisions as identified by the PRES.</p>
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	+	<p>We can be flexible. We prefer NUTS 1 and larger units and asNUTS1 territorial unit is allowed in both of the options, both options acceptable for us.</p>
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	+	<p>Same as Q13.</p>
Assessment criteria	144-145	art. 8(3)	Question 15	+	<p>We are flexible regarding art. 8.3 and the reintroduction of modelling into the revised directive.</p>

Assessment criteria	144-145	art. 8(3)	Question 16	+	Same as Q15.
Assessment criteria	144-145	art. 8(3)	Question 17	+	Same as Q15.
Assessment criteria	144-145	art. 8(3)	Question 18	+	Same as Q15.
Assessment criteria	144-145	art. 8(3)	Question 19	+	Same as Q15.
Assessment criteria	147	art. 8(5)	Question 20	+/-	<p>As for art. 8.5 we opt more towards the first option (Q20)</p> <p>However, we want to reinstate the provision that would allow us to use directly the modelling results in the air quality assessment. We do not see the need to re-evaluate the results of our models via additional measurements. Such ambitious (yet optional) approach should be in our opinion in line with the EP intention to put more emphasis on modelling and should be appealing to the EP as it results in an immediate acknowledgement of the identified exceedance rather than time consuming verifying phase. We therefore propose to keep in art. 8.5 the following sentence.</p> <p>8.5 “...<u>Where a Member State chooses not to conduct any additional fixed or indicative measurements, the exceedance shown by modelling applications shall be used for air quality assessment.</u>”</p>
Assessment criteria	147	art. 8(5)	Question 21	+/-	Same as Q20.
Assessment criteria	150	art. 8(8)	Question 22	/	We would like to receive reassurance from the Council legal service that the expression “shall be considered” indeed means that MS do not have to use bioindicators without other conditions.
Sampling points	163b	art. 9	Question 23	-	We do not support increasing the number of sampling points for UFP, BC, Hg or NH ₃ beyond the Council proposal. There is no added value of these measurements, since the aim is just to gather data and not to ensure certain level of pollution as it is the case for other pollutants with established limit/target values. We could be willing to explore the possibility of other cost effective methods to gather such data, such as modelling or expert judgement.

Sampling points	163b	art. 9	Question 24	-	Same as Q23.
Supersites	169b	art. 10 (4a)	Room doc question 1	+	We can be flexible towards this option.
Supersites	169b	art. 10 (4a)	Room doc question 2	+	See room doc question 1.
Supersites	/	Annex VII table 2 and 3	Room doc question 3	+/-	We could agree to that, however, we do not see the added value that would justify the additional cost. We propose to explore other more cost effective methods to gather additional data, such as modelling or expert judgement.
Supersites	/	Annex VII table 2 and 3	Room doc question 4	+/-	We could agree to that, however, we do not see the added value that would justify the additional cost. We propose to explore other more cost effective methods to gather additional data, such as modelling or expert judgement.
Supersites	/	Annex VII table 2 and 3	Room doc question 5	-	We cannot support this proposal. We propose to explore other more cost effective methods to gather additional data, such as modelling or expert judgement.
Supersites	/	Annex VII table 2	Room doc question 6	-	We cannot support this proposal. We propose to explore other more cost effective methods to gather additional data, such as modelling or expert judgement.
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	We cannot support this proposal, we do not see the added value. We propose to explore other more cost effective methods to gather additional data, such as modelling or expert judgement.
Supersites	New	art. 10 (5a)	Question 26	+/-	We could accept such inclusion if the wording would be softer. For example: 10(5a): “Where member states use indicative measurements for several pollutants at one or more supersites, member states shall conduct these measurements <u>are recommended to be conducted</u> during the same period, where possible.”

Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	See Cluster 1 written comments.
Amendments to Annexes	285	art. 24, first paragraph	Question 28	+/-	We could show some flexibility here. If it helps to achieve compromise with the European Parliament at later stage we could make some sacrifices here to have some leeway with respect to other provisions of higher priority.
Amendments to Annexes	285	art. 24, first paragraph	Question 29	+/-	
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	-	<p>We do not see any new flexibilities from our side regarding access to justice, compensations and penalties.</p> <p>We also strongly oppose the argument provided by the COM at the WPE that these provisions are necessary otherwise MS will not develop enough effort to achieve the ambitious limit values. We would like to point out that the air quality is dramatically improving due to MS actions, the lack of trust towards MS is therefore completely unjustified.</p> <p>Also, the argument that the public is in the weaker position and need to be protected by the reversed burden of proof is not in line with juridical principles. In order to make the case fair, both sides have to prove their point.</p> <p>We are therefore still against art. 27 and 28 as a whole and against the intention of the COM, and especially of the EP, to favour the plaintiff over the defendant.</p>

DENMARK

Updated table for delegations' comments on steering note/room document 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	OK	
Information and alert thresholds	200	art. 15 (3)	Question 2	OK	
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	OK	We are flexible on this
Short-term action plans	/	Annex VIIIa	Question 4	OK	
Short-term action plans	249	art. 20 (4)	Question 5	OK	The addition is bid odd and missplaced, but if it helps to get a compromise
Short-term action plans	250a	art. 20 (5a)	Question 6	OK	
Information and alert thresholds	/	Annex I section 4	Question 7	OK	
Information and alert thresholds	/	Annex I section 4	Question 8	OK	
Information and alert thresholds	/	Annex I section 4	Question 9	OK	
Air quality roadmaps	223a & 231	art. 19	Question 10	OK	We find the addition of the concept of a road map a complicating factor, but if it helps to get a compromise.

					If a road map (the first air quality plan) should have additional content this could be listed in Annex VIII.
Air quality roadmaps	223a & 231	art. 19	Question 11	OK	We would prefer not to have to establish a road map before 2028.
Air quality standards	82a	art. 4, point (1a)	Question 12	(ok)	We support the Presidency effort, but would like to stress the need to be sure, that this do not change the substance.
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	OK	DK would like to use NUTS1 and can support any solution that enables this.
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	OK	See above
Assessment criteria	144-145	art. 8(3)	Question 15	OK	
Assessment criteria	144-145	art. 8(3)	Question 16	OK	
Assessment criteria	144-145	art. 8(3)	Question 17	(ok)	We believe the modelling should be linked to and used for the development of Air Quality Plans. Not sure these always will come in 5 y intervals.
Assessment criteria	144-145	art. 8(3)	Question 18	(ok)	Not a preferred option. We see little value in requiring indicative measurements. In some situations they might make sense, but but MS can always supplement with additional measurements if needed.
Assessment criteria	144-145	art. 8(3)	Question 19	(ok)	<p>We already do modelling for the whole country with different time intervals depending on the pollutant. However, regular modelling do raise a number of questions on how results should be used (compliance, station placement, etc.).Modelling larger areas will contain outliers as input data not always will be as well quality controlled as when you model smaller specific areas.</p> <p>In short, we find this option a bit tricky. It would be better to introduce this with some careful consideration. A general modelling requirement could be part of the delegated act from the Commission (Art. 8.5a), which could be modified to include this possibility.</p>
Assessment criteria	147	art. 8(5)	Question 20	OK	Fine as long as the option to report modelled exceedances directly is maintained.

Assessment criteria	147	art. 8(5)	Question 21	OK	
Assessment criteria	150	art. 8(8)	Question 22	OK	
Sampling points	163b	art. 9	Question 23	OK	
Sampling points	163b	art. 9	Question 24	NO	
Supersites	169b	art. 10 (4a)	Room doc question 1	(ok)	Not our favourite option. We would measure main pollutants at our Super Sites, but would like to have the option to omit low level pollutants – especially for those that have little or no urban sources.
Supersites	169b	art. 10 (4a)	Room doc question 2	OK	
Supersites	/	Annex VII table 2 and 3	Room doc question 3	OK	
Supersites	/	Annex VII table 2 and 3	Room doc question 4	OK	Usefull as ozone precursor and for validation of modelling
Supersites	/	Annex VII table 2 and 3	Room doc question 5	(ok)	Would make more sense to have this as mandatory in Urban Background, as there are urban sources.
Supersites	/	Annex VII table 2	Room doc question 6	(ok)	Again we believe this should required primarily in Urban Background as the paramater is intended to be used in health effect studies.
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	NO	Not meaningfull to include theese as required parameters in urban areas.
Supersites	New	art. 10 (5a)	Question 26	OK	<p>This actually makes good sense for measurement of the various substances that require analysis in a laboratory. Theese could be collected at a number of sites simultanously.</p> <p>On the other hand it could be considered to meet the EP position on fixed measurements that will be done with on-line monitors. Its hadly worthwhile to move monitors around as many of theese instruments are rather delicate. E.g. PN and PM-size dtribution could be required as fixed measurements.</p>

					The Commissionshould develop guidance on the instrumentation of both rural and urban supersites and Annex might be updated later if needed. It could be considered to add some text on this in Art. 10.
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	OK	
Amendments to Annexes	285	art. 24, first paragraph	Question 28	OK	
Amendments to Annexes	285	art. 24, first paragraph	Question 29	OK	
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30		We prefer the stay with the GA on these articles.

GERMANY

Updated table for delegations' comments on steering note/room document 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	+	<ul style="list-style-type: none"> It is essential to have the insertion “where applicable” to ensure there is scope for assessing whether a plan is expedient. This insertion enables flexibility to move towards the EP position.
Information and alert thresholds	200	art. 15 (3)	Question 2	+	<ul style="list-style-type: none"> Germany can agree to the compromise proposal. Two supplementary comments: It is important to choose wording that does not lead to an assumption of a prediction obligation. The background for this is that models have difficulties to make accurate predictions at the right time when it comes to short-term values in the high concentration area. A reference to the air quality index as a practical tool for public information could perhaps be helpful.
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	-	<ul style="list-style-type: none"> Germany is of the opinion that the primary option should be to retain the Council position – as proposed by the Presidency. The proposed fall-back position in Article 20 (1) goes too far for Germany. The information requirements contained in the compromise proposal would be acceptable to Germany.
Short-term action plans	/	Annex VIIIa	Question 4	/	<ul style="list-style-type: none"> Germany would also clearly favour the Council position on this point.

					<ul style="list-style-type: none"> Germany can in principle accept the inclusion of Annex VIIIa from the EP together with the three additions proposed by the Presidency as a compromise. However, the difference between points (a) and (g) is unclear. Point (g) appears to already be covered by point (a). In addition, the reference to “limit values, target values” in the chapeau should be deleted because in the case of the short-term action plans it is about exceeding alert thresholds.
Short-term action plans	249	art. 20 (4)	Question 5	+	<ul style="list-style-type: none"> Germany can accept the additions by the EP in Article 20 (4) (line 249). It is important that the addition does not lead to an expansion of the requirement or to a greater administrative burden because the information already has to be made available to the public pursuant to the Council position. To clarify: Germany rejects the amendment in line 249a as set out in the Presidency paper.
Short-term action plans	250a	art. 20 (5a)	Question 6	+	<ul style="list-style-type: none"> Germany can accept the additional Article 20 (5) (line 250a) because drawing up guidelines is optional pursuant to the EP proposal too.
Information and alert thresholds	/	Annex I section 4	Question 7	/	<ul style="list-style-type: none"> The proposed lower thresholds are significant but Germany could support them if a change is also made to Article 20 (1) to clarify that a short-term action plan is only necessary when there is a substantial risk.
Information and alert thresholds	/	Annex I section 4	Question 8	/	See question 7.
Information and alert thresholds	/	Annex I section 4	Question 9	/	See question 7.
Air quality roadmaps	223a & 231	art. 19	Question 10	/	<ul style="list-style-type: none"> Germany favours the Council position. Regarding the term “air quality roadmap”, flexibility in acceptance of the EP position is possible as long as the plans envisaged in the Council position pursuant to Article 19 (4) under the boundary conditions referred to are meant and as long as no substantive change is made.

					<ul style="list-style-type: none"> Germany can also support moving the provisions from Article 19 (4) to Article 19 (1).
Air quality roadmaps	223a & 231	art. 19	Question 11	/	<ul style="list-style-type: none"> The use of fixed points in time proposed by the Presidency rather than undefined references to the entry into force of the Directive is acceptable to Germany. However, the reference year 2025 seems to be too early. The Member States should continue to be given greater flexibility and at least have the option of using 2026 or 2027 as the reference year as long as this is compatible with their schedule for a possible air quality plan and an application for a deadline extension.
Air quality standards	82a	art. 4, point (1a)	Question 12	/	<ul style="list-style-type: none"> Germany can only support the inclusion of a definition of air quality standards if it does not lead to any substantial changes in Article 19, Article 27 or Annex IX as per the Council position. As a result, the passages in Articles 19 and 27 and in Annex IX need to be adapted so that they still correspond to the Council position following inclusion of the definition of air quality standards.
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	-	<ul style="list-style-type: none"> Compliance with the exposure reduction obligation is fundamentally determined by the definition of territorial units. As we already outlined at the last Council working group meeting on 24 November, Germany attaches great importance to ensuring compliance at this point in the Directive. Decreasing the size of the territorial units or a resulting restriction of flexibility would further increase the risk of thresholds being exceeded. For this reason, Germany cannot support any of the stricter provisions proposed in options 1 and 2. The only feasible option would be for the Council to compromise and move towards the EP position to allow the use of the NUTS2 level but to keep it optional.

Average exposure territorial units	110a	art. 4, point (29a)	Question 14	-	See question 13.
Assessment criteria	144-145	art. 8(3)	Question 15	/	See question 19.
Assessment criteria	144-145	art. 8(3)	Question 16	/	See question 19.
Assessment criteria	144-145	art. 8(3)	Question 17	/	See question 19.
Assessment criteria	144-145	art. 8(3)	Question 18	/	See question 19.
Assessment criteria	144-145	art. 8(3)	Question 19	+	<ul style="list-style-type: none"> Germany had already called for the compromise proposed in point 19 during discussions on the Council position. We can therefore support the compromise and would favour it over the other options laid down in points 15 to 18. As an alternative in order to reach a compromise, only a combination of points 16 to 18 would be feasible that allows greater flexibility for the Member States than the individual points. This combination should be as follows: <ul style="list-style-type: none"> Modelling is required at the earliest two years after publication of the implementing act pursuant to Article 8 (5a), and after that every five years. Intervals of less than five years make no sense, for example meteorological effects would primarily be reflected and generally speaking there is no annual data for emissions. In addition, Article 8 (3) should allow Member States to carry out indicative measurements rather than models.
Assessment criteria	147	art. 8(5)	Question 20	-	<ul style="list-style-type: none"> In view of the costs and effort entailed, it is important to retain the option of indicative measurements rather than finding a compromise. This will enable Member States to choose, depending on the situation, whether to carry out indicative or fixed measurements. Due to modelling uncertainties it can also be expected that models showing thresholds being exceeded will not always be confirmed by measurements and that stations may be

					dismantled when limit values are complied with, which would entail fewer costs and less effort in the case of indicative measurements.
Assessment criteria	147	art. 8(5)	Question 21	/	<ul style="list-style-type: none"> One year would be sufficient in the case of indicative measurements. However, the Directive should continue to prescribe two years for fixed measurements in line with the Council position.
Assessment criteria	150	art. 8(8)	Question 22	+	<ul style="list-style-type: none"> Germany can support the change proposed by the Presidency from “may” to “shall” because Germany shares the Presidency view that this will not result in an obligation.
Sampling points	163b	art. 9	Question 23	-	<ul style="list-style-type: none"> In Germany’s view there is no need to increase the number of stations in order to achieve the monitoring goal. One station per 10 million inhabitants is sufficient. Our expert authority, the German Environment Agency (UBA), also shares this opinion. The technology is expensive and requires qualified personnel, which are increasingly difficult to find. Germany is therefore very critical regarding the proposal to increase the number of stations beyond the Commission proposal in light of the additional costs to be expected.
Sampling points	163b	art. 9	Question 24	-	<ul style="list-style-type: none"> Germany rejects a further increase in the number of stations.
Supersites	169b	art. 10 (4a)	Room doc question 1	-	<ul style="list-style-type: none"> It is important to retain flexibility here against the background of the question of whether it makes sense to make the measurement of concentrations of substances close to the detection limit mandatory. Supplementary comment on Article 10: Regarding line 169b, it seems unclear which level is being referred to with “that are below their respective assessment threshold”. Possible options would be an area of assessment or the federal state (Bundesland) in which the urban supersite is to be operated, or the Member State in question. Our understanding is that

					supersites are to be considered independently from area-related assessment. Geographically they are in an assessment area but they should not be used to assess it or for reviewing with regard to the assessment threshold.
Supersites	169b	art. 10 (4a)	Room doc question 2	+	<ul style="list-style-type: none"> Germany could support such a compromise.
Supersites	/	Annex VII table 2 and 3	Room doc question 3	+	<ul style="list-style-type: none"> Germany could support such a compromise. Mandatory measuring of SO₂ at rural stations (and recommended measuring at urban stations) would not be a problem in Germany.
Supersites	/	Annex VII table 2 and 3	Room doc question 4	+	<ul style="list-style-type: none"> Germany could support such a compromise. Mandatory measuring of CO at rural stations (and recommended measuring at urban stations) would not be a problem in Germany.
Supersites	/	Annex VII table 2 and 3	Room doc question 5	+	<ul style="list-style-type: none"> Germany could support such a compromise. Mandatory measuring of benzene at rural stations (and recommended measuring at urban stations) would not be a problem in Germany.
Supersites	/	Annex VII table 2	Room doc question 6	-	<ul style="list-style-type: none"> Germany could not support this compromise. A recommendation for measuring the oxidation potential should be retained as there are no standardised measurement methods. Measurement as part of scientific projects is expedient.
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	<ul style="list-style-type: none"> Germany rejects a mandatory measurement of mercury (Hg) at urban supersites. It is also important to note that from a scientific perspective, it is only expedient to measure mercury at certain locations. And this would entail high costs and require a large number of personnel. We also consider the mandatory hourly measurement of ammonia (NH₃) to be too costly. At most, the use of passive collectors for long-term data would potentially be an option.
Supersites	New	art. 10 (5a)	Question 26	+	<ul style="list-style-type: none"> Germany accepts the compromise proposal.

Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	<ul style="list-style-type: none"> Germany accepts the COM compromise proposal.
Amendments to Annexes	285	art. 24, first paragraph	Question 28	-	<ul style="list-style-type: none"> Germany <u>cannot</u> support the inclusion of Annexes VIII and VIIIa in Article 24.
Amendments to Annexes	285	art. 24, first paragraph	Question 29	+	<ul style="list-style-type: none"> Germany can support an inclusion of Annex IX in Article 24.
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	-	<ul style="list-style-type: none"> We see no scope here for concessions. The Council amendments must be retained. With regard to taking over compromise wording from other legal acts, for example the IED, Germany submits a scrutiny reservation as the issues and the addressees of legal standards are different for the Ambient Air Quality Directive. This must be reviewed on a case-by-case basis.
					<p>Supplementary comments:</p> <p><i>Re 2.8.of the Steering Note Art. 23 (Transmission of information and reporting) & Art. 26 (Committee procedure)</i></p> <ul style="list-style-type: none"> The existing reporting period of nine months should be retained. A shorter period is not feasible. Germany agrees with the Presidency opinion that an inclusion of the average exposure concentration objectives in Article 23 (2) does not offer any added benefits.

ESTONIA

Updated table for delegations' comments on steering note/room document 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	+	
Information and alert thresholds	200	art. 15 (3)	Question 2	+	
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	+	First preference to keep General Approach
Short-term action plans	/	Annex VIIIa	Question 4	+	
Short-term action plans	249	art. 20 (4)	Question 5	/	Don't oppose, but healthcare professionals need clarification (to ensure it is not required at individual level)
Short-term action plans	250a	art. 20 (5a)	Question 6	/	Don't oppose, but need for coherence with overall mentioning of guidelines and similar documents in the directive
Information and alert thresholds	/	Annex I section 4	Question 7	-	Cautions of having same alert threshold and limit values
Information and alert thresholds	/	Annex I section 4	Question 8	-	Cautions of having same alert threshold and limit values
Information and alert thresholds	/	Annex I section 4	Question 9	-	Cautions of having same alert threshold and limit values
Air quality roadmaps	223a & 231	art. 19	Question 10	/	Do not oppose, but do not see the added value of introducing a new term, as AQPs are widely used and known concept.

Air quality roadmaps	223a & 231	art. 19	Question 11	-	Deadline of at the start of year 2025 is too short.
Air quality standards	82a	art. 4, point (1a)	Question 12	/	Flexible
Air quality standards	110a	art. 4, point (29a)	Question 13	/	Flexible
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	/	Flexible
Average exposure territorial units	144-145	art. 8(3)	Question 15	/	Flexible
Assessment criteria	144-145	art. 8(3)	Question 16	/	Flexible
Assessment criteria	144-145	art. 8(3)	Question 17	/	Flexible but unclear on the need of 5 year basis
Assessment criteria	144-145	art. 8(3)	Question 18	/	Flexible but would like to keep both measurements as possibilities
Assessment criteria	144-145	art. 8(3)	Question 19	-	Preference to keep General Approach
Assessment criteria	147	art. 8(5)	Question 20	-	Preference to keep General Approach
Assessment criteria	147	art. 8(5)	Question 21	/	Flexible, but deadline should be at least 1 year
Assessment criteria	150	art. 8(8)	Question 22	/	Flexible
Sampling points	163b	art. 9	Question 23	/	Flexible
Sampling points	163b	art. 9	Question 24	-	Opposed to raise the number of monitoring stations
Supersites	169b	art. 10 (4a)	Room doc question 1	-	Preference to keep General Approach
Supersites	169b	art. 10 (4a)	Room doc question 2	-	Preference to keep General Approach, although further explanation of what type of measuring (how long) is meant in that option.
Supersites	/	Annex VII table 2 and 3	Room doc question 3	/	Already in action
Supersites	/	Annex VII table 2 and 3	Room doc question 4	/	Already in action
Supersites	/	Annex VII table 2 and 3	Room doc question 5	-	Preference to keep General Approach, this adds extra administrative costs.
Supersites	/	Annex VII table 2	Room doc question 6	-	Preference to keep General Approach, this adds extra administrative costs.

Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	Preference to keep General Approach
Supersites	New	art. 10 (5a)	Question 26	/	
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	/	Not opposed, but issue of small administrations and enough capacity
Amendments to Annexes	285	art. 24, first paragraph	Question 28	/	
Amendments to Annexes	285	art. 24, first paragraph	Question 29	/	
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	-	Strongly supporting general approach wording.

IRELAND

Updated table for delegations' comments on steering note/room document 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	+	
Information and alert thresholds	200	art. 15 (3)	Question 2	+	
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	+	
Short-term action plans	/	Annex VIIIa	Question 4	+	Including a list of recommendations is fine but the list proposed by the EP is almost entirely focused on transport-derived pollution. If short term action plans for PM are required, it seems appropriate to include some recommendations targeted towards PM derived from solid fuel burning, such as, temporary restrictions on the sale of certain fuels, no-burn days, etc.
Short-term action plans	249	art. 20 (4)	Question 5	+	
Short-term action plans	250a	art. 20 (5a)	Question 6	+	
Information and alert thresholds	/	Annex I section 4	Question 7	+	
Information and alert thresholds	/	Annex I section 4	Question 8	+	

Information and alert thresholds	/	Annex I section 4	Question 9	+	We can support the compromises proposed in Q7-9, however we repeat the comment made at the WPE that lower ATs and additional ITs could result in authorities overloading the public with information.
Air quality roadmaps	223a & 231	art. 19	Question 10	+	Flexible on this
Air quality roadmaps	223a & 231	art. 19	Question 11	+	
Air quality standards	82a	art. 4, point (1a)	Question 12	+	Flexible on this
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	+	
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	+	We will use NUTS1 so either option is acceptable.
Assessment criteria	144-145	art. 8(3)	Question 15	+	This is our preferred option in Q15-19
Assessment criteria	144-145	art. 8(3)	Question 16	+	
Assessment criteria	144-145	art. 8(3)	Question 17	+	
Assessment criteria	144-145	art. 8(3)	Question 18	+	
Assessment criteria	144-145	art. 8(3)	Question 19	+	
Assessment criteria	147	art. 8(5)	Question 20	-	Indicative or fixed measurements should be allowed (In particular for nitrogen dioxide).
Assessment criteria	147	art. 8(5)	Question 21	+	Inclusion of a shorter deadline of [6 months/1 year] for the additional monitoring in case indicative measurements is acceptable.
Assessment criteria	150	art. 8(8)	Question 22	+	
Sampling points	163b	art. 9	Question 23	+	One obligatory sampling point per 5 million inhabitants for both UFP and BC is the more proportionate option.
Sampling points	163b	art. 9	Question 24	-	
Supersites	169b	art. 10 (4a)	Room doc question 1	+	Flexible on this
Supersites	169b	art. 10 (4a)	Room doc question 2	+	Flexible on this

Supersites	/	Annex VII table 2 and 3	Room doc question 3	+	
Supersites	/	Annex VII table 2 and 3	Room doc question 4	+	
Supersites	/	Annex VII table 2 and 3	Room doc question 5	+	
Supersites	/	Annex VII table 2	Room doc question 6	+	
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	Monitoring for Hg at these sites should only be recommended as there is little technical need for this further monitoring to be obligatory. The monitoring for NH ₃ in urban supersites can be obligatory.
Supersites	New	art. 10 (5a)	Question 26	+	
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	
Amendments to Annexes	285	art. 24, first paragraph	Question 28	=	
Amendments to Annexes	285	art. 24, first paragraph	Question 29	=	
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	=	

PUBLIC

SPAIN

Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (recast)

Comments from Spain to Presidency Steering Note – WPE 9 January

Updated table for delegations' comments on steering note/room document 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 can accept the new proposal for Article 15(2a) (row 199a)
Information and alert thresholds	200	art. 15 (3)	Question 2	+	We can accept the Presidency's new proposal for Article 15(3) (rows 200 and 201).
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	+	We support the solution proposed by the Presidency.
Short-term action plans	/	Annex VIII a	Question 4	+	We support the list proposed by the EP with the two changes proposed by the Presidency, as it is important to make clear in the text that these measures are recommendations and not mandatory measures.
Short-term action plans	249	art. 20 (4)	Question 5	-	We believe that the activation of plans based on modelling has value and that this should be the case when the air quality manager is ready. We therefore think that this could be optional but not mandatory as the EP proposes. It is important to take into account the uncertainties associated with air quality prediction models.
Short-term action plans	250a	art. 20 (5a)	Question 6		
Information and alert thresholds	/	Annex I section 4	Question 7	reservation on the values	We can accept the inclusion of alert thresholds in the new text, but we do not have a final position on the proposed values.

Information and alert thresholds	/	Annex I section 4	Question 8	reservation on the values	We can accept the inclusion of information thresholds in the new text, but we do not have a final position on the proposed values.
Information and alert thresholds	/	Annex I section 4	Question 9	+	We can accept the inclusion in the new text of information thresholds for PM10 and PM2.5 but it is important to indicate that the reference method is gravimetry and, therefore, it would be appropriate to maintain a 24-hour moving average or daily average value for those networks that only have manual equipment.
Air quality roadmaps	223a & 231	art. 19	Question 10	+	The new term can be accepted, but the flexibilities reached in the Council general approach, regarding deadlines and the possibility of requesting an extension, should be maintained.
Air quality roadmaps	223a & 231	art. 19	Question 11	+	We can support the date 2025, if at least a minimum of 2 years is maintained for the preparation of the plan due to the processing it requires, as established in the COM proposal. 3 years, as in the general approach, would be desirable, but we can be flexible with that year.
Air quality standards	82a	art. 4, point (1a)	Question 12	+	We can support the new definition as long as it does not increase the obligations and specific articles such as 19.4 or 27.1 make express reference only to the specific standards to which it applies.
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	+	Due to the distribution of Spanish competences, the preferred territorial unit for the preparation of air quality plans is NUTS2. Nevertheless, we could be flexible with option 1 if necessary to reach an agreement.
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	+	Same as above. Due to the distribution of Spanish competences, the preferred territorial unit for the preparation of air quality plans is NUTS2. Nevertheless, we could be flexible with option 1 if necessary to reach an agreement.
Assessment criteria	144-145	art. 8(3)	Question 15		

Assessment criteria	144-145	art. 8(3)	Question 16		
Assessment criteria	144-145	art. 8(3)	Question 17		
Assessment criteria	144-145	art. 8(3)	Question 18		
Assessment criteria	144-145	art. 8(3)	Question 19		
Assessment criteria	147	art. 8(5)	Question 20		
Assessment criteria	147	art. 8(5)	Question 21	-	The deadline cannot be less than one year since the installation of these sampling points may need an open tender whose minimum processing time is one year, which is why the Council decided to increase the deadline, to be realistic with the time required.
Assessment criteria	150	art. 8(8)	Question 22	-	We prefer to keep the “may” because the “shall” can lead to confusion
Sampling points	163b	art. 9	Question 23	-	There is an additional cost. In principle we believe that the COM's proposal is the right one, to start measuring only UF particles and make BC optional, including BC at all points may not be necessary. BC is already measured at supersites.
Sampling points	163b	art. 9	Question 24	-	
Supersites	169b	art. 10 (4a)	Room doc question 1		
Supersites	169b	art. 10 (4a)	Room doc question 2		
Supersites	/	Annex VII table 2 and 3	Room doc question 3		
Supersites	/	Annex VII table 2 and 3	Room doc question 4		
Supersites	/	Annex VII table 2 and 3	Room doc question 5		
Supersites	/	Annex VII table 2	Room doc question 6		
Supersites	169a	art. 10 (4a), first	Question 25	-	

		subparagraph			
Supersites	New	art. 10 (5a)	Question 26	+	
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	
Amendments to Annexes	285	art. 24, first paragraph	Question 28		We can be flexible
Amendments to Annexes	285	art. 24, first paragraph	Question 29		We can be flexible
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30		

FRANCE

NOTE DES AUTORITÉS FRANÇAISES

Objet : commentaires des autorités françaises - révision de la directive 2008/50/CE concernant la qualité de l'air ambiant et un air pur en Europe

Les autorités françaises remercient la Présidence Belge pour les échanges lors du groupe du 9 janvier 2024. Elles souhaitent transmettre, comme demandé par la Présidence, les commentaires suivants :

Concernant les propositions formulées dans le tableau 4 colonnes, sur les points surlignés en jaune, les autorités françaises peuvent soutenir les propositions de compromis proposées, à l'exception des points suivants (hormis pour les points soulevés dans le cadre des questions 1 à 30 posées par la Présidence dans sa note de cadrage, pour lesquels des éléments plus détaillés sont transmis ci-après) :

Concernant l'article 4 :

- Les autorités françaises sont opposées aux lignes 110 et 111 concernant le souhait du Parlement européen de reprendre son amendement concernant le principe de ne pas dépasser, une fois atteinte, l'obligation de réduction de l'indice d'exposition moyen. En effet, si ce principe de non régression a du sens concernant l'atteinte d'une concentration (valeur limite ou valeur cible), comme c'est le cas pour l'indice d'exposition moyen, il n'est pas adapté pour un objectif de réduction, exprimé en pourcentage sur une période donnée. Dans l'hypothèse où l'idée du Parlement européen était d'assurer que la concentration atteinte ne soit pas de nouveau dépassée, une autre rédaction de cette disposition devrait être recherchée, pour évoquer non pas l'objectif de réduction, mais la concentration atteinte ;
- Les autorités françaises insistent, sur la ligne 116, en lien avec ses remarques sur l'article 16, sur la nécessité de ne pas vider de leur substance les dispositions relatives aux contributions naturelles ;
- Les autorités françaises demandent, sur la ligne 95, à préciser la proposition de compromis pour la définition du black carbon « 'black carbon' (BC) means graphitic carbon in PM as measured by light absorption », de même que pour les particules ultrafines « where UFP are evaluated with a measure of the particular number » ;
- Concernant la ligne 120a sur le potentiel oxydant, les autorités françaises sont opposées à la suppression du terme « abiotic » pour le remplacer par « acellular ». La définition du potentiel oxydant pourrait être améliorée de la façon suivante : « oxidative potential of particulate matter means the capacity of particulate matter to oxidize target molecules by generating redox oxidizing species ».

Concernant l'article 8 relatif aux critères d'évaluation, les autorités françaises rappellent l'importance de conserver le mandat du conseil pour cet article. En particulier, elles soutiennent la

ligne 143, qui reprend la position du Conseil concernant la possibilité d'utiliser la mesure indicative ou la modélisation, dans les zones au-dessus du seuil d'évaluation, pour compléter les mesures fixes. Elles rappellent l'importance, à la ligne 146, pour les zones sous le seuil d'évaluation de laisser la possibilité d'utiliser soit la modélisation, soit les mesures indicatives, soit une combinaison des deux (mais de ne pas imposer systématiquement le recours à la modélisation ET aux mesures indicatives comme le propose le Parlement européen).

Concernant l'article 16 relatif à la prise en compte des contributions naturelles :

- Les autorités françaises sont opposées à la proposition de compromis sur la ligne 206, qui propose de ne pas prendre en compte les contributions naturelles que les Etats membres auraient pu éviter. Cette condition supplémentaire apparaît en effet trop vaste et difficile à justifier au niveau de l'Etat membre, et pourrait vider de sa substance cet article. Les autorités françaises souhaitent supprimer « *and could not have been prevented by the Member State concerned* » ;
- Les autorités françaises sont opposées à la proposition de compromis sur la ligne 207, et préfèrent la rédaction du Conseil, qui ne prévoit pas un dispositif spécifique de validation par la Commission pour la prise en compte des contributions naturelles pour évaluer le dépassement des valeurs limites ou cibles, dans la mesure où la méthodologie pour la prise en compte des contributions naturelles sera définie par le biais d'actes d'exécution et devrait par conséquent être clarifiée et uniformisée pour l'ensemble des Etats membres. Pour consolider la rédaction proposée, la référence à ces actes d'exécution, pourrait être incluse au point 207. L'ambiguïté pourrait demeurer en l'absence d'actes d'exécution adoptés : pour couvrir cette situation la proposition de compromis devrait, pour ces situations spécifiques, être amendée afin que la Commission précise les compléments ou précisions attendues de la part de l'Etat membre, et en remplaçant "is" par "may" conformément à la proposition initiale du Parlement européen ;
- Les autorités françaises sont opposées à la proposition de compromis sur la ligne 207 a, qui imposerait aux Etats membres de fournir des informations concernant les impacts du changement climatique ou les mesures d'adaptation au changement climatique prises par l'Etat membre pour justifier d'une demande de prise en compte des contributions naturelles, ce qui n'est pas adapté (cf. point 206). Les autorités françaises demandent à supprimer la fin de la proposition de compromis : "*, as well as further information to be provided by the Member State, such as information on the impact of ecosystem perturbations driven by climate change resulting in exceedances attributable to natural sources or on the implementation of related climate change adaptation measures to the extent that they are relevant to the zone or average territorial unit concerned.*"

Concernant l'article 21 relatif à la pollution transfrontière, les autorités françaises souhaitent rester sur le mandat du conseil pour les lignes 253 a et 255, dans la mesure où des points d'avancement sur les actions envisagées et mises en place par les Etats membres sont en tout état de cause déjà prévus dans le cadre des plans qualité de l'air. Les dispositions supplémentaires proposées apparaîtraient donc superflues et alourdiraient les procédures sans améliorer l'information et le suivi des actions.

Concernant l'annexe III.A.1, les autorités françaises sont opposées à l'ajout de « for each zone », qui pourrait avoir des impacts sur le dispositif de surveillance.

Concernant l'annexe III.A.2, les autorités françaises ne souhaitent pas que la référence aux meilleures techniques disponibles soit maintenue (évaluer l'efficacité de ces techniques qui sont définies par des valeurs limites à l'émission, sur la base de mesures dans l'air ambiant, n'apparaît en effet pas pertinent). Elles rappellent de plus que le suivi autour des sites industriels relève de la charge de l'exploitant du site. La disposition à l'annexe IV.B.2.f devrait également être ajustée en cohérence.

Concernant l'annexe IV, les autorités françaises soutiennent le compromis proposé au B.2.b, amélioré par rapport à la proposition initiale du Conseil (même si plus favorable qu'une échelle de

25mx25m, l'échelle de 250x250m posera toujours des problèmes de représentativité et d'hétérogénéité, car les mesures reflèteront un mode de chauffage individuel particulièrement polluant).

De plus, les autorités françaises soulignent l'importance de maintenir la position du Conseil sur la hauteur d'échantillonnage pour réaliser des mesures entre 1,5 et 4 m et non 0,5 m à 4 m : cela introduirait une variabilité et donc une non comparabilité entre les points de mesure.

Enfin, les autorités françaises soutiennent les propositions d'ajout des points D.3.a/ et D.3.b/, qui visent, dans le cadre de la documentation à fournir concernant le choix des sites de mesures, à ajouter des justifications concernant la sélection de sites présentant les concentrations les plus élevées dans la zone pour chaque polluant d'une part, et la sélection de sites représentatifs de l'exposition générale de la population d'autre part. Ces dispositions permettraient aux Etats membres de disposer d'une méthodologie et d'un formalisme commun. En revanche, compte-tenu du caractère chronophage de ces dispositions et du coût administratif induit, **il conviendrait que ces dernières s'appliquent uniquement aux nouveaux points de mesure et non au réseau existant.**

Concernant les questions 1 à 30 posées par la Présidence dans sa note de cadrage, les autorités françaises font part des commentaires suivants :

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	+	
Information and alert thresholds	200	art. 15 (3)	Question 2	-	Les autorités françaises considèrent que le texte mériterait d'être clarifié, car la dernière phrase donne l'impression que la proposition de compromis va au delà de ce qu'indique souhaiter le Parlement européen pour les seuils d'information (information ciblée sur les populations sensibles) : le compromis semble demander une information tout public et une information complémentaire pour les populations sensibles. Il pourrait également y avoir redondance avec la dernière phrase. Les autorités françaises proposent donc de supprimer la dernière phrase, ou d'explicitier les 2 situations comme exprimé dans la note de cadrage de la Présidence.
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	/	
Short-term action plans	/	Annex VIIIa	Question 4	-	Les autorités françaises préfèrent la position du Conseil car elles ne souhaitent pas contraindre le contenu des plans d'action de court-terme. Il paraît préférable de laisser une marge de manœuvre au niveau local sur le type de mesure qu'il est le plus pertinent de prendre, et en ce sens, la rédaction proposée par le Parlement européen ne paraît pas assez claire s'agissant du fait qu'il s'agit uniquement de recommandations. Pour aller vers un compromis, les autorités françaises pourraient soutenir la proposition de la Présidence, à condition, en complément, de :

					<ul style="list-style-type: none"> - Remplacer « measures to be considered » par « measures that might be considered ». - Ajouter juste après « depending on local circumstances and on the pollutant exceeding a threshold » (les mesures proposées n'étant pas pertinentes pour tous les polluants), - De supprimer le (g), qui rejoint le (a) mais apparait difficile en termes de mise en œuvre opérationnelle.
Short-term action plans	249	art. 20 (4)	Question 5	/	
Short-term action plans	250a	art. 20 (5a)	Question 6	/	Le partage de bonnes pratiques via la Commission européenne peut être un élément intéressant, toutefois les autorités françaises ne sont pas en faveur de lignes directrices contraignantes.
Information and alert thresholds	/	Annex I section 4	Question 7	-	Les autorités françaises s'interrogent sur les sous jacents scientifiques et sanitaires retenus par le Parlement européen pour proposer le niveau des seuils d'alerte. Elles alertent sur le risque de multiplication importante du franchissement des seuils d'alerte si les seuils étaient significativement abaissés, ce qui pourrait s'avérer contreproductif en termes d'effet pour la population.
Information and alert thresholds	/	Annex I section 4	Question 8	/	Les autorités françaises peuvent soutenir le principe de fixer des seuils d'information pour ces polluants, avec des niveaux harmonisés au niveau européen. Comme pour la question 7, elles s'interrogent sur les sous jacents scientifiques et sanitaires retenus par le Parlement européen pour proposer le niveau des nouveaux seuils d'information.
Information and alert thresholds	/	Annex I section 4	Question 9	/	Les autorités françaises peuvent soutenir le principe de fixer des seuils d'information pour ces polluants, avec des niveaux harmonisés au niveau européen. Comme pour la question 7, elles s'interrogent sur les sous jacents scientifiques et sanitaires retenus par le Parlement européen pour proposer le niveau des nouveaux seuils d'information.
Air quality roadmaps	223a & 231	art. 19	Question 10	/	Sous réserve que le changement proposé visant à remplacer les plans qualité de l'air préventifs par des feuilles de route n'ait pas de conséquence autre que le changement de vocabulaire, les autorités françaises peuvent accepter le changement d'appellation ainsi que le passage de ce point au 1 ^{er} paragraphe de l'article 19. Cela pourrait passer par le remplacement de l'expression « plan qualité de l'air »

					par l'expression « feuille de route qualité de l'air » au sein du paragraphe 19.4 en conservant par ailleurs la rédaction du Conseil. En effet, la proposition du Parlement européen est plus large, et les autorités françaises sont toutefois opposées à la mention de valeurs limites en 2035.
Air quality roadmaps	223a & 231	art. 19	Question 11	-	Les autorités françaises peuvent être souples quant au principe d'introduire des dates maximales en dur dans le texte, mais concernant les échéances pour établir ces feuilles de route, elles souhaitent maintenir le mandat du Conseil sur ce point (délai de 3 ans nécessaire, ce qui amènerait à une réalisation des feuilles de route avant fin 2029). Il est bien noté qu'un plan qualité de l'air préventif sera nécessaire en cas de demande de report conformément à l'article 18, mais les demandes de report seront une part minoritaire des feuilles de route, et il n'apparaît ainsi pas pertinent de contraindre en termes de calendrier l'ensemble des feuilles de route. Par ailleurs, un délai de transposition de 3 mois comme le propose le Parlement européen est irréaliste, et les autorités françaises souhaitent conserver un délai de transposition de 2 ans.
Air quality standards	82a	art. 4, point (1a)	Question 12	/	Les autorités françaises peuvent soutenir l'approche proposée par la Présidence, sous réserve qu'au sein de chaque article, les dispositions soient claires et non modifiées sur le fond. L'avis du service juridique du conseil pourrait être utile pour identifier la rédaction la plus adéquate.
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	-	
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	+	Les autorités françaises sont favorables à l'option 2 qui donne une souplesse aux Etats membres, mais souhaitent en complément supprimer la limite maximale de taille proposée ("provided that their total combined size is more than 85.000 km ² ").
Assessment criteria	144-145	art. 8(3)	Question 15	-	Les autorités françaises souhaitent conserver le mandat du conseil sur l'article 8.
Assessment criteria	144-145	art. 8(3)	Question 16	-	Les autorités françaises souhaitent conserver le mandat du conseil sur l'article 8.
Assessment criteria	144-145	art. 8(3)	Question 17	-	Les autorités françaises souhaitent conserver le mandat du conseil sur l'article 8. De plus, pour évaluer les zones en dépassement

					associées à un dépassement mesuré, les autorités françaises considèrent qu'il est nécessaire de travailler en modélisation avec l'année du dépassement.
Assessment criteria	144-145	art. 8(3)	Question 18	+	
Assessment criteria	144-145	art. 8(3)	Question 19	+	
Assessment criteria	147	art. 8(5)	Question 20	-	
Assessment criteria	147	art. 8(5)	Question 21	+	
Assessment criteria	150	art. 8(8)	Question 22	-	Les autorités françaises préfèrent l'utilisation de "may" plutôt que "shall". L'avis du service juridique du conseil pourrait être utile sur ce point.
Sampling points	163b	art. 9	Question 23	+	
Sampling points	163b	art. 9	Question 24	-	
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	Les autorités françaises considèrent que rendre obligatoire les mesures de mercure et de NH ₃ dans les supersites urbains n'apparaît pas techniquement pertinent en milieu urbain en raison de leurs sources principales d'émission.
Supersites	New	art. 10 (5a)	Question 26	+	Les autorités françaises soutiennent la proposition de compromis, qui apparaît scientifiquement pertinente et devrait permettre de mutualiser les coûts.
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	
Amendments to Annexes	285	art. 24, first paragraph	Question 28	-	Les autorités françaises souhaitent conserver le mandat du Conseil sur ce point. Elles rappellent qu'elles sont fortement opposées à la possibilité de modifier l'annexe VIII par acte délégué. En outre, elles rappellent qu'elles ont plaidé pour un allègement du contenu de l'annexe VIII et que si elles ont pu, malgré l'absence de prise en compte de ce point, soutenir le mandat du Conseil, elles sont fortement opposées aux demandes d'ajout du Parlement européen au sein de cette annexe.

					Les autorités françaises ne souhaitent pas non plus inclure l'annexe VIIIa du mandat pour des actes délégués.
Amendments to Annexes	285	art. 24, first paragraph	Question 29	-	
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	-	Les autorités françaises sont opposées aux amendements visant à renverser la charge de la preuve, qui ne sont pas compatibles avec la position du Conseil.

Enfin, concernant l'article 10 et les questions posées dans le document distribué en séance le 9 janvier :

Supersites		art. 10	Question 1	-	Les autorités françaises considèrent qu'il est nécessaire de maintenir la flexibilité pour les polluants en dessous du seuil d'évaluation s'agissant des supersites urbains. Elles considèrent que rendre obligatoire la mesure du CO, du SO ₂ et du benzène en milieu urbain n'a pas de sens.
Supersites		art. 10	Question 2	+	Les autorités françaises pourraient accepter que les polluants en dessous du seuil d'évaluation soient mesurées (plutôt qu'estimés), au moins tous les 5 ans.
Supersites		art. 10	Question 3	-	Les autorités françaises considèrent qu'il n'est pas logique de rendre obligatoire la mesure du SO ₂ en milieu rural alors qu'il y a très peu de source. Elles proposent d'inclure le SO ₂ dans le tableau 3 (recommended at rural and urban supersites).
Supersites		art. 10	Question 4	-	Les autorités françaises considèrent qu'il n'est pas logique de rendre obligatoire la mesure du CO en milieu rural alors qu'il y a très peu de source. Elles proposent d'inclure le CO dans le tableau 3 (recommended at rural and urban supersites).
Supersites		art. 10	Question 5	-	Les autorités françaises considèrent qu'il n'est pas logique de rendre obligatoire la mesure du benzène en milieu rural alors qu'il y a très peu de source. Elles proposent d'inclure le benzène dans le tableau 3 (recommended at rural and urban supersites).
Supersites		art. 10	Question 6	-	Les autorités françaises considèrent qu'il n'est pas logique de rendre obligatoire la mesure du PO en milieu rural alors qu'il y a très peu de source émettrice de particules à l'origine d'inflammation pulmonaire. Elles estiment que cette mesure ne peut être rendue obligatoire ni en milieu rural ni en milieu urbain, car le protocole de mesure est loin d'être harmonisé et la pratique très peu répandue en Europe. Elles

					proposent d'inclure le PO dans le tableau 3 (recommended at rural and urban supersites).
--	--	--	--	--	--

Courtesy translation

The French authorities thank the Presidency for the exchanges held during the WPE on January 9th. They wish to make, as requested by the Presidency, the following comments :

The French authorities would like to thank the Belgian Presidency for the discussions held during the group meeting on 9 January 2024. As requested by the Presidency, they would like to make the following comments:

With regard to the proposals formulated in table 4 columns, on the points highlighted in yellow, the French authorities can support the proposed compromises, with the exception of the following points (except for the points raised in the context of questions 1 to 30 put by the Presidency in its framework note, for which more detailed information is provided below):

Concerning Article 4 :

- The French authorities are opposed to lines 110 and 111 concerning the European Parliament's wish to take up its amendment concerning the principle of not exceeding, once reached, the obligation to reduce the average exposure index. While this principle of non-regression makes sense in terms of achieving a concentration (limit value or target value), as is the case for the average exposure index, it is not appropriate for a reduction target, expressed as a percentage over a given period. Assuming that the European Parliament's idea was to ensure that the concentration achieved is not exceeded again, a different wording of this provision should be sought, referring not to the reduction target but to the concentration achieved;
- On line 116, in connection with its comments on Article 16, the French authorities stress the need not to empty the provisions on natural contributions of their substance;
- On line 95, the French authorities asked for clarification of the compromise proposal for the definition of black carbon "'black carbon' (BC) means graphitic carbon in PM as measured by light absorption", as well as for ultrafine particles "where UFP are evaluated with a measure of the particular number";
- Concerning line 120a on oxidising potential, the French authorities are opposed to deleting the term "abiotic" and replacing it with "acellular". The definition of oxidative potential could be improved as follows: "oxidative potential of particulate matter means the capacity of particulate matter to oxidize target molecules by generating redox oxidizing species".

With regard to Article 8 on assessment criteria, the French authorities reiterate the importance of retaining the Council's mandate for this article. In particular, they support line 143, which reiterates the Council's position on the possibility of using indicative measurement or modelling, in areas above the assessment threshold, to supplement fixed measurements. They reiterate the importance, in line 146, for zones below the assessment threshold to leave open the possibility of using either modelling or indicative measurements, or a combination of the two (but not to systematically impose the use of modelling AND indicative measurements as proposed by the European Parliament).

Concerning Article 16 on taking account of natural contributions:

- The French authorities are opposed to the compromise proposal on line 206, which proposes not to take into account natural contributions that Member States could have avoided. This additional condition seems too broad and difficult to justify at Member State level, and could render the article meaningless. The French authorities wish to delete "and could not have been prevented by the Member State concerned";
- The French authorities are opposed to the compromise proposal on line 207, and prefer the Council's wording, which does not provide for a specific system of validation by the Commission for taking account of natural contributions when assessing whether limit or target values have been exceeded, insofar as the methodology for taking account of natural contributions will be defined by means of implementing acts and should therefore be clarified and standardised for all Member States. To consolidate the proposed wording, the

reference to these implementing acts could be included in point 207. Ambiguity could remain in the absence of implementing acts adopted: to cover this situation, the compromise proposal should, for these specific situations, be amended so that the Commission specifies the additions or clarifications expected from the Member State, and by replacing "is" by "may" in accordance with the European Parliament's initial proposal;

- The French authorities are opposed to the compromise proposal on line 207a, which would require Member States to provide information on the impacts of climate change or the measures taken by the Member State to adapt to climate change in order to justify a request to take account of natural contributions, which is inappropriate (cf. point 206). The French authorities request that the end of the compromise proposal be deleted: ", as well as further information to be provided by the Member State, such as information on the impact of ecosystem perturbations driven by climate change resulting in exceedances attributable to natural sources or on the implementation of related climate change adaptation measures to the extent that they are relevant to the zone or average territorial unit concerned."

With regard to Article 21 on transboundary pollution, the French authorities wish to remain with the Council's mandate for lines 253a and 255, insofar as progress reports on the actions envisaged and implemented by the Member States are in any case already provided for under the air quality plans. The additional provisions proposed would therefore appear to be superfluous and would make procedures more cumbersome without improving the information and monitoring of actions.

With regard to Annex III.A.1, the French authorities are opposed to the addition of "for each zone", which could have an impact on the monitoring system.

With regard to Annex III.A.2, the French authorities do not want the reference to the best available techniques to be maintained (assessing the effectiveness of these techniques, which are defined by emission limit values, on the basis of measurements in the ambient air, does not appear to be relevant). They also point out that monitoring around industrial sites is the responsibility of the site operator. The provision in appendix IV.B.2.f should also be adjusted to be consistent.

With regard to Annex IV, the French authorities support the compromise proposed in B.2.b, which is an improvement on the Council's initial proposal (although more favourable than a 25mx25m scale, the 250x250m scale will still pose problems of representativeness and heterogeneity, as the measurements will reflect a particularly polluting individual heating method).

In addition, the French authorities stress the importance of maintaining the Council's position on the sampling height in order to carry out measurements between 1.5 and 4 m and not 0.5 m to 4 m: this would introduce variability and therefore non-comparability between the measurement points.

Finally, the French authorities support the proposed additions to points D.3.a/ and D.3.b/, which aim, as part of the documentation to be provided concerning the choice of measurement sites, to add justifications concerning the selection of sites with the highest concentrations in the area for each pollutant on the one hand, and the selection of sites representative of the general exposure of the population on the other. These provisions would provide the Member States with a common methodology and formalism. However, given the time-consuming nature of these provisions and the administrative costs involved, they should apply only to new measurement points and not to the existing network.

Concernant les questions 1 à 30 posées par la Présidence dans sa note de cadrage, les autorités françaises font part des commentaires suivants :

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	+	
Information and alert thresholds	200	art. 15 (3)	Question 2	-	The French authorities feel that the text needs to be clarified, as the last sentence gives the impression that the compromise proposal goes beyond what the European Parliament has indicated it wants in terms of information thresholds (information targeted at sensitive populations): the compromise seems to call for information for the general public and additional information for sensitive populations. There could also be redundancy with the last sentence. The French authorities therefore propose deleting the last sentence, or clarifying the 2 situations as expressed in the Presidency's framework note.
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	/	
Short-term action plans	/	Annex VIIIa	Question 4	-	The French authorities prefer the Council's position because they do not wish to constrain the content of short-term action plans. It seems preferable to leave room for manoeuvre at local level on the type of measure that is most appropriate to take, and in this sense, the wording proposed by the European Parliament does not seem clear enough with regard to the fact that these are only recommendations. In order to reach a compromise, the French authorities could support the Presidency's proposal, on condition that, in addition, they : - Replace "measures to be considered" with "measures that might be considered".

					<ul style="list-style-type: none"> - Add just after "depending on local circumstances and on the pollutant exceeding a threshold" (the proposed measures not being relevant for all pollutants), - Delete (g), which is similar to (a) but appears difficult in terms of operational implementation.
Short-term action plans	249	art. 20 (4)	Question 5	/	
Short-term action plans	250a	art. 20 (5a)	Question 6	/	Sharing good practice via the European Commission could be an interesting element, but the French authorities are not in favour of binding guidelines.
Information and alert thresholds	/	Annex I section 4	Question 7	-	The French authorities are questioning the scientific and health underpinnings used by the European Parliament to propose the level of alert thresholds. They warn of the risk of a significant increase in the number of people exceeding alert thresholds if the thresholds were significantly lowered, which could prove counterproductive in terms of the effect on the population.
Information and alert thresholds	/	Annex I section 4	Question 8	/	The French authorities can support the principle of setting information thresholds for these pollutants, with levels harmonised at European level. As with question 7, they question the scientific and health underpinnings used by the European Parliament to propose the level of the new information thresholds.
Information and alert thresholds	/	Annex I section 4	Question 9	/	The French authorities can support the principle of setting information thresholds for these pollutants, with levels harmonised at European level. As with question 7, they question the scientific and health underpinnings used by the European Parliament to propose the level of the new information thresholds.
Air quality roadmaps	223a & 231	art. 19	Question 10	/	Provided that the proposed change from preventive air quality plans to roadmaps has no consequences other than a change of vocabulary, the French authorities can accept the change of name and the transfer of this point to the 1st paragraph of Article 19. This could involve replacing the expression "air quality plan" with the expression "air quality roadmap" in paragraph 19.4, while retaining the Council's wording. The European Parliament's proposal is broader, but the French authorities are opposed to the reference to limit values in 2035.

Air quality roadmaps	223a & 231	art. 19	Question 11	-	<p>The French authorities may be flexible on the principle of introducing hard maximum dates in the text, but as regards the deadlines for drawing up these roadmaps, they wish to maintain the Council's mandate on this point (3-year deadline required, which would lead to the roadmaps being completed before the end of 2029). It is noted that a preventive air quality plan will be required in the event of a request for postponement in accordance with article 18, but requests for postponement will be a minority of the roadmaps, and it therefore does not seem appropriate to constrain all the roadmaps in terms of timetable.</p> <p>Furthermore, a 3-month transposition deadline as proposed by the European Parliament is unrealistic, and the French authorities wish to retain a 2-year transposition deadline.</p>
Air quality standards	82a	art. 4, point (1a)	Question 12	/	The French authorities can support the approach proposed by the Presidency, provided that within each article, the provisions are clear and unchanged in substance. The advice of the Council's Legal Service could be useful in identifying the most appropriate wording.
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	-	
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	+	The French authorities are in favour of option 2, which gives Member States flexibility, but would also like to remove the proposed maximum size limit ("provided that their total combined size is more than 85,000 km ² ").
Assessment criteria	144-145	art. 8(3)	Question 15	-	The French authorities wish to retain the Council's mandate on Article 8.
Assessment criteria	144-145	art. 8(3)	Question 16	-	The French authorities wish to retain the Council's mandate on Article 8.
Assessment criteria	144-145	art. 8(3)	Question 17	-	The French authorities wish to retain the Council's mandate on Article 8. In addition, in order to assess the areas of exceedance associated with a measured exceedance, the French authorities consider that it is necessary to work on modelling with the year of exceedance.
Assessment criteria	144-145	art. 8(3)	Question 18	+	
Assessment criteria	144-145	art. 8(3)	Question 19	+	

Assessment criteria	147	art. 8(5)	Question 20	-	
Assessment criteria	147	art. 8(5)	Question 21	+	
Assessment criteria	150	art. 8(8)	Question 22	-	The French authorities prefer the use of "may" rather than "shall". The opinion of the Council's Legal Service might be useful on this point.
Sampling points	163b	art. 9	Question 23	+	
Sampling points	163b	art. 9	Question 24	-	
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	The French authorities consider that making it compulsory to measure mercury and NH3 in urban supersites is not technically relevant in an urban environment because of their main sources of emission.
Supersites	New	art. 10 (5a)	Question 26	+	The French authorities support the compromise proposal, which appears scientifically relevant and should enable costs to be shared.
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	
Amendments to Annexes	285	art. 24, first paragraph	Question 28	-	The French authorities wish to retain the Council's mandate on this point. They reiterate that they are strongly opposed to the possibility of amending Annex VIII by delegated act. In addition, they point out that they have argued for a reduction in the content of Annex VIII and that, although they were able to support the Council's mandate despite this point not being taken into account, they are strongly opposed to the European Parliament's requests for additions to this Annex. Nor do the French authorities wish to include Annex VIIIa in the mandate for delegated acts.
Amendments to Annexes	285	art. 24, first paragraph	Question 29	-	
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	-	The French authorities are opposed to the amendments aimed at reversing the burden of proof, which are not compatible with the Council's position.

Enfin, concernant l'article 10 et les questions posées dans le document distribué en séance le 9 janvier :

Supersites		art. 10	Question 1	-	The French authorities consider it necessary to maintain flexibility for pollutants below the assessment threshold for urban supersites. They consider that making it mandatory to measure CO, SO ₂ and benzene in urban areas makes no sense.
Supersites		art. 10	Question 2	+	The French authorities could accept that pollutants below the assessment threshold should be measured (rather than estimated), at least every 5 years.
Supersites		art. 10	Question 3	-	The French authorities consider that it is not logical to make SO ₂ measurement mandatory in rural areas when there are very few sources. They propose including SO ₂ in table 3 (recommended at rural and urban supersites).
Supersites		art. 10	Question 4	-	The French authorities consider that it is not logical to make it compulsory to measure CO in rural areas when there are very few sources. They propose including CO in table 3 (recommended at rural and urban supersites).
Supersites		art. 10	Question 5	-	The French authorities consider that it is not logical to make it compulsory to measure benzene in rural areas when there are very few sources. They propose including benzene in table 3 (recommended at rural and urban supersites).
Supersites		art. 10	Question 6	-	The French authorities consider that it makes no sense to make PO measurement compulsory in rural areas, where there are very few sources of particulate matter that can cause inflammation of the lungs. They consider that this measurement cannot be made compulsory in either rural or urban areas, as the measurement protocol is far from harmonised and the practice is not widespread in Europe. They propose including PO in table 3 (recommended at rural and urban supersites).

ITALY

Updated table for delegations' comments on steering note/room document 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	+	
Information and alert thresholds	200	art. 15 (3)	Question 2	+	Provided that general and not detailed information on health impacts are requested taken into account the short time available for informing the public; therefore the text would be: "providing detailed information about the severity of the exceedance and general information on the associated health impacts"
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	-	Support to the Council mandate since, for particular areas, short term measures can not reduce PM concentrations; flexibility on the possibility to introduce only information obligations in this case
Short-term action plans	/	Annex VIIIa	Question 4	+	
Short-term action plans	249	art. 20 (4)	Question 5	+	
Short-term action plans	250a	art. 20 (5a)	Question 6	+	
Information and alert thresholds	/	Annex I section 4	Question 7	-	Alert thresholds are intended as values higher than the limit values that can cause acute effects so there is no sense to reduce them
Information and alert thresholds	/	Annex I section 4	Question 8	/	There is not scientific evidence nor previous technical discussions on the need for introducing such values but we are flexible
Information and alert thresholds	/	Annex I section 4	Question 9	/	There is not scientific evidence nor previous technical discussions on the need for introducing such values but we are flexible

Air quality roadmaps	223a & 231	art. 19	Question 10	+	Using the term “road map” for plans according to article 19.4 could be a good solution; no preference on the positioning of the text
Air quality roadmaps	223a & 231	art. 19	Question 11	+	Maybe taking as a reference a couple of years could be good
Air quality standards	82a	art. 4, point (1a)	Question 12	+	
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	-	
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	+	Option 2 seems to give more flexibility to MS
Assessment criteria	144-145	art. 8(3)	Question 15	-	We believe it is not possible to reintroduce subsection 3 without a reference also to indicative measures (necessary when no proper models are available, especially in the initial phase of operation of the new directive)
Assessment criteria	144-145	art. 8(3)	Question 16	+	
Assessment criteria	144-145	art. 8(3)	Question 17	-	
Assessment criteria	144-145	art. 8(3)	Question 18	+	
Assessment criteria	144-145	art. 8(3)	Question 19	-	
Assessment criteria	147	art. 8(5)	Question 20	-	Indicative measurements can be a useful source of information if they comply with the data quality objectives introduced for them
Assessment criteria	147	art. 8(5)	Question 21	+	One year can be reasonable when indicative measurements are used
Assessment criteria	150	art. 8(8)	Question 22	-	
Sampling points	163b	art. 9	Question 23	/	We are flexible, if it can be useful for reaching a compromise with EP but it is clear that any increase of the number of monitoring sites means additional costs
Sampling points	163b	art. 9	Question 24	-	
Supersites	169b	art. 10 (4a)	Room doc question 1	-	Not to increase the costs of monitoring
Supersites	169b	art. 10 (4a)	Room doc question 2	-	Not to increase the costs of monitoring

Supersites	/	Annex VII table 2 and 3	Room doc question 3	-	We believe there is no added value for these additional measurements, so better not to increase the costs of monitoring
Supersites	/	Annex VII table 2 and 3	Room doc question 4	-	We believe there is no added value for these additional measurements, so better not to increase the costs of monitoring
Supersites	/	Annex VII table 2 and 3	Room doc question 5	-	We believe there is no added value for these additional measurements, so better not to increase the costs of monitoring
Supersites	/	Annex VII table 2	Room doc question 6	/	We are flexible
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	/	We are flexible but it will cause an increase of monitoring costs, sometimes not necessary since some pollutants could be not relevant in some areas
Supersites	New	art. 10 (5a)	Question 26	+	If the provision will be not mandatory but recommended
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	/	
Amendments to Annexes	285	art. 24, first paragraph	Question 28	/	We are flexible if necessary to reach a compromise
Amendments to Annexes	285	art. 24, first paragraph	Question 29	/	We are flexible if necessary to reach a compromise
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	- /	No flexibility on the possible reintroduction of subsection 4 of article 28. More flexibility on other issues

Additional comments:

Row 68: mentioning competent authorities and bodies can be confusing for MS having different levels on competencies.

Annex IV, B.2.(a)(ii): it appears not necessary in rural background areas and would increase the costs of monitoring.

CYPRUS

Comments AAQD

- 1) Cyprus is generally positive and flexible with the steering note changes and hope soon to find an agreement on this file since it will result in an improvement in the quality of life of the citizens of the European Union.
 - 2) Regarding short - term action plans Cyprus is not against the preparation of action plans, but it should be clear in the Directive that in cases where we have dust episodes and transboundary ozone, Member States will not be obliged to prepare action plans. In these cases, Cyprus agrees with the sufficient and timely information of citizens through various means.
 - 3) Cyprus does not agree with the changes proposed by the European Parliament to the dates for reaching the limit values (2035). The changes require the introduction of new technology and excessive costs, therefore need more time to comply.
-

LATVIA

Comments on Ambient Air Quality Directive (Doc. WK 58/2024 INIT)

Cluster 1: Yellow rows pending agreement by the Council

We would like to raise our concerns regarding the following amendments in yellow rows, which are pending agreement by the Council. The provisional agreement reached with the EP exceeds our margins of flexibilities:

- Row 206 (art. 16(2))
- Row 207 (art. 16(3))
- Row 207a (art. 16(3a), first subparagraph) (+ row 207b)
- Row 255 (art. 21(2)).

Furthermore, as announced during the working party meeting on the 9th of January we strongly advocate of keeping the existing wording in Annex III, section D: “For Member States with more than 2 million inhabitants, monitoring supersites at urban background or rural background locations established in accordance with Article 10 shall not be included for the purpose of meeting the requirements on the minimum number of sampling points for UFP set here.”

NETHERLANDS

Updated table for delegations' comments on steering note/room document 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	+	The Netherlands can agree on compromise text suggested by the Presidency for the Article 15(2a).
Information and alert thresholds	200	art. 15 (3)	Question 2	+	The Netherlands can agree on compromise text suggested by the Presidency for the Article 15(3).
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	+	The Fallback option for row 246/article 20(1) is acceptable for us.
Short-term action plans	/	Annex VIIIa	Question 4	+	We can support the inclusion of the new part of annex VIII, when taking into account the suggestions by the Presidency.
Short-term action plans	249	art. 20 (4)	Question 5	+	The addition by the European Parliament in row 249a is acceptable for us. Sticking to the Council mandate text is also ok.
Short-term action plans	250a	art. 20 (5a)	Question 6	+	We support the addition made by the European Parliament in row 250a (to establish guidelines regarding short term action plans).
Information and alert thresholds	/	Annex I section 4	Question 7	++	Probably the proposed compromise is acceptable. As a general remark we would like to stress that alert and information thresholds that are too low are not effective. We should be wary of 'air quality alarm fatigue': If the public is warned too often, then the message loses its value. We do not think this is the case in the compromises proposed by the Presidency, but if we move closer towards the EP proposal on this point this might happen.
Information and alert thresholds	/	Annex I section 4	Question 8	++	Probably the proposed compromise is acceptable.

Information and alert thresholds	/	Annex I section 4	Question 9	+	For us this is an acceptable compromise.
Air quality roadmaps	223a & 231	art. 19	Question 10	+	We are happy with the explanation the Presidency has given on the difference between the 'Air Quality Roadmap' and Air Quality Plan', and agree that there are good reasons to use different terminology. In the spirit of compromise, equipping both the terms of roadmap and plan would be our preference.
Air quality roadmaps	223a & 231	art. 19	Question 11	+	The use of reference years would clarify situation so we support that change. We can agree with using 2025, or a combination of 2025 and 2026 as a reference. Additionally, we support the establishment of the roadmap by the end of 2028. There will be enough time to work on that by the Member States.
Air quality standards	82a	art. 4, point (1a)	Question 12	+	We support the described approach regarding the new definition proposed by the European parliament for 'air quality standards' (Article 4, row 82a). We agree with the Presidency that it could be a good idea of the European Parliament to define 'Air Quality Standards' and refer to it in the articles and texts in the annexes where it can be done properly. It is a good solution to refer to the specific standards there where using the general definition would cause problems (i.e. in articles 19.4, Annex IX and article 27).
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	+	We prefer this option 1. It would be better to reformulate 'higher NUTS-level' to make clear if level 2 or 3, or 0 is meant.
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	++	We think that the option 2 might be too flexible, which hinder comparability. The EP will also think that this is too flexible. However, if this has the preference of the majority of the council, and this is needed to reach a compromise, we are flexible.
Assessment criteria	144-145	art. 8(3)	Question 15	+	The Netherlands thinks that it is the best option to return to the original Commission proposal (option 15). We think that the European Parliament has a good point regarding modelling: It would be good to have a modelling obligation in zones where limit values are being exceeded.
Assessment criteria	144-145	art. 8(3)	Question 16	++	For us, this option is less preferable than option 15.
Assessment criteria	144-145	art. 8(3)	Question 17	++	For us, this option is less preferable than option 15.

Assessment criteria	144-145	art. 8(3)	Question 18	++	For us, this option is less preferable than option 15.
Assessment criteria	144-145	art. 8(3)	Question 19	++	For us, this option is less preferable than option 15.
Assessment criteria	147	art. 8(5)	Question 20	+	Here, we can be flexible.
Assessment criteria	147	art. 8(5)	Question 21	+	Here, we can be flexible.
Assessment criteria	150	art. 8(8)	Question 22	+	Here, we can be flexible.
Sampling points	163b	art. 9	Question 23	+	The Netherlands can support the compromise proposal of one obligatory sampling point per 5 million inhabitants for both UFP and BC in Article 9.
Sampling points	163b	art. 9	Question 24	-	We are not in favor of raising the number of monitoring stations even more to accommodate the EP mandate. In our opinion, this will not deliver more knowledge, while it still causes a significant increase in costs.
Supersites	169b	art. 10 (4a)	Room doc question 1	+	We prefer to keep the flexibility to measure pollutants below the alert threshold at urban supersites.
Supersites	169b	art. 10 (4a)	Room doc question 2	-	We believe this is not a good option, as measuring these pollutants at least every 2 or 5 years, will mean that there are still significant extra costs.
Supersites	/	Annex VII table 2 and 3	Room doc question 3	+	We can accept this option.
Supersites	/	Annex VII table 2 and 3	Room doc question 4	+	We can accept this option.
Supersites	/	Annex VII table 2 and 3	Room doc question 5	+	We can accept this option.
Supersites	/	Annex VII table 2	Room doc question 6	-	Measuring oxidative potential should not be obligatory anywhere, because there is no standard method available to do so.
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	We think an obligation for rural supersites is enough for these substances.
Supersites	New	art. 10 (5a)	Question 26	+	We can be flexible.
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	The Netherlands can support the compromise text as drafted by the Presidency for Article 21(1), second subparagraph (row 253)).

Amendments to Annexes	285	art. 24, first paragraph	Question 28	+	We can be flexible regarding including Annex VIII, including VIIIa in the empowerment of delegated acts.
Amendments to Annexes	285	art. 24, first paragraph	Question 29	+	We can be flexible regarding including Annex IX in the empowerment of delegated acts.
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	++	Regarding Chapter VII, the articles 27, 28 and 29, for now, we would like to stick to the Council mandate.

AUSTRIA

COMMENTS: Air Quality Directive (WK 265/2024)

AT thanks the BE Presidency for the excellent steering note and preparation of discussions held during the last WPE on 9 January 2024.

Following the request by the Presidency, AT submits the following comments:

Cluster 1

Row 60: AT **supports** all amendments proposed by the EP that are linked to EU source legislation and that underline its importance for achieving AQ objectives, as they emphasise the joint responsibility of the EU and the MS in this regard. Therefore, we welcome the amendment in Art. 1 para. 3 and would encourage to also include the demonstrative list of sectoral policies proposed by the EP. Furthermore, we propose to add the sectors 'industry' and 'agriculture' to the list.

Rows 66 and 68: AT **supports** the proposed wording. However, in accordance with the Council mandate, the initial word 'measures' should be deleted.

Row 206: Contributions from natural sources cannot be influenced by MS; hence, ultimately, they also cannot be prevented. We therefore **oppose** the addition from the EP position.

Row 255: We **support** the proposed wording, but point out that it should probably read as follows:

„[...] shall be informed of, and invited to be present, **and** assist any cooperation.”

Annex III A2: We would like to point out once again (rf to AT written comments from 13 June 2023 in WK 7816/2023) that the text passage regarding BAT originates from Directive 2004/107/EC and was therefore only applicable to heavy metals. An extension to all pollutants and sites does not seem appropriate to us. Therefore, we **oppose** the reinsertion of the provision. If the proposal to reinsert the original provision with a 'may' is to be kept, it is important that the 'may' (instead of 'shall') is also kept in the provision in Annex IV, B.2.(f), which also refers to BAT.

Annex IV, B.2.(e): We **support** the proposal and suggest to also include "major roads" in the list of sources that should not be in the vicinity of the sampling point:

“(e) sampling points in rural background locations ~~where the objective is to assess rural background levels, the sampling point~~ shall be located so that their pollution level is ~~not be~~ influenced by the integrated contribution from relevant sources but not by urban areas, **major roads** or industrial sites in ~~its~~ their vicinity, i.e. sites closer than 5 km;”

Question 1 (+)

Question 2 (+)

Regarding the focus on 'sensitive population' and 'vulnerable groups', we question for practical matters how this can be best implemented without disproportionate administrative burden. Therefore, we would appreciate to have at least guidance on the issue.

Question 3

We are in principle open for the proposed fallback-option, but emphasize the importance of keeping the exemption for particulate matter.

Question 4 (/)

Question 5 (+)

AT supports the proposal, but is of the opinion that referring to 'health organisations' and 'other relevant health-care bodies' is already sufficient. In particular, we question the reference to

individual 'healthcare professionals' for practical reasons. If all three terms are to be kept, it should read 'healthcare organisations' (e.g. medical chamber) instead of 'healthcare professionals'.

Question 6 (+)

Questions 7 to 9 (-)

We oppose the lowering of alert thresholds and the introduction of new information thresholds that are almost identical with limit or target values as this could potentially lead to inflationary information and desensitisation in the population.

Question 10

In principle, AT supports the idea of 'Air Quality Roadmaps'. However, we only see benefit in the concept if it does not only constitute a mere change in terminology for plans established pursuant to Art. 19 para. 4 (as is apparently intended by the EP). We have already pointed out several times that, in our opinion, in addition to AQ plans pursuant to Art. 19 para 1 to 3, which are to be drawn up in response to the exceedance of an AQ standard and, therefore, only necessary as long as the exceedance persists, a long-term and precautionary instrument would be needed in order to achieve the objectives of the Directive and in particular to fulfil the requirements of Art. 12. In our view, the 'roadmap concept' proposed by the EP could serve this purpose as a carefully drafted new instrument that effectively targets the precautionary principle, the prohibition of deterioration (Art 12) and the zero-pollution objective (Art 1).

Furthermore, if only the terminology is to be changed, we note that it would be necessary to clearly define that roadmaps are a special form of AQ plans. This is particularly important regarding the possibility to challenge plans (and roadmaps) in a review procedure according to Art 27.

Question 11 (/)

Question 12 (+)

Question 13 (+) and 14 (-)

We are in favour of the Council position, but can be flexible towards option 1.

Questions 15 to 17 and 19 (-)

Question 18 (+)

Question 20 (-)

Question 21 (+)

AT can be flexible towards a shorter deadline of 1 year for indicative measurements.

Question 22 (+)

Question 23 (+)

Question 24 (/)

Room Question 1 (+)

Room Question 2 (/)

Room Questions 3 to 6 (-)

On the contrary, we are of the opinion that there should be an obligation to measure SO₂, CO, benzene and the oxidative potential of PM in urban background sites and making it recommended in rural background sites.

Question 25 (+/-)

Regarding NH₃, AT supports the obligatory measurement in urban supersites.

Regarding Hg, AT is of the opinion that the measurement in urban supersites should remain recommended.

Question 26 (+)

Question 27 (+)

Questions 28 and 29 (-)

Question 30 (-)

AT cannot be flexible regarding any amendments proposed by the EP regarding Art 27 to 29. We remind of our comprehensive comments on this Chapter (rf i.e. to WK 13906/2023).

PORTUGAL

Ambient Air Quality Directive (AAQD)

WORKING PARTY ON THE ENVIRONMENT

9 January 2024

(WK 58/2024, WK 58-ADD01/2024, WK 167/2024 and WK 265/2024)

Position

Following the invitation by PRES at the WPE on 9 January, Portugal is here by submitting its position on the questions set out in the documents mentioned above.

PT welcomes the efforts made by the PRES BE in discussions regarding the reformulation of Directives relating to air quality. There are, however, some comments regarding some issues from yellow rows, for which a provisional agreement has been reached with the EP pending agreement by the Council, which are still of high importance for us and that we would like to share.

This Portuguese position, structured in accordance with the rounds of the discussion for the 9th January WPE, is based on the steering note (doc. WK58/24) about the 4-column table and a document on the annexes reflecting the state of play on the abovementioned Commission proposal following discussions at the first six interinstitutional technical meetings (doc. WK17182/23).

The discussion during WPE will be organised as follows:

- Cluster 1: Green rows and yellow rows pending agreement by the Council listed under section 1. In the interest of time, Presidency asks delegations to react only if they have concerns, or questions regarding these rows.
- Cluster 2: Section 2.1 – Art. 15, art. 20, annex I section D and annex VIIIa (Information and alert thresholds and short-term action plans)
- Cluster 3: Sections 2.2-5 – Art 19 (roadmaps) + transversal issues: hotspots, air quality standards, average exposure territorial units.
- Cluster 4: Section 2.6 – Monitoring and modelling (article 7-10)
- Cluster 5: Sections 2.7-10 – Art 21, 23, 24, 26, Chapter VII

Following the request by the Presidency on the steering note WK58/2024, Portugal submits the following comments on the cluster 1 that we want to emphasize again:

1. Yellow rows pending agreement by the Council

- **Row 131a (art. 5, first paragraph, point (ia))**: PT can agree with the inclusion of this new point (ia) but with a simplified text “provision and maintenance of air quality index and other relevant public information”.
- **Row 207a (art. 16(3a), first subparagraph) (+ row 207b)**: PT can not agree with the draft agreement text particularly the part “as well as further information to be provided by the MS, such as information on the impact of ecosystem perturbations

driven by climate change resulting in exceedances attributable to natural sources or on the implementation of related climate change adaptation measures to the extent that they are relevant to the zone or average territorial unit concerned” that should be deleted.

2. Items for discussion – expanding the Council mandate

Regarding the issues on number 2 organized in clusters 2, 3, 4 e 5 in the steering note for discussion during WPE (Wk58/2024) and the questions set out in the room document distributed in doc. WK 167/2024 Portuguese position is included in the next table (from document WK265/2024):

Updated table with Portugal comments on steering note/room document 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	+	PT considers acceptable the compromise text proposed by the BE Presidency in number 2.1.1 of document WK58/2024
Information and alert thresholds	200	art. 15 (3)	Question 2	/	PT prefers the Council mandate text but can agree with the compromise text proposed BE Presidency in number 2.1.1 of document WK58/2024
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	/	PT is of opinion that should be keep the text of the Council mandate
Short-term action plans	/	Annex VIIIa	Question 4	+	PT agrees with the inclusion of the new annex VIIIa suggested by EP since amended to take into account the suggestions by the BE Presidency as stated in number 2.1.2 of document WK58/2024 (amendments in point 1 and deletion of point 2)
Short-term action plans	249	art. 20 (4)	Question 5	-	PT does not see added value in the suggested changes.
Short-term action plans	250a	art. 20 (5a)	Question 6	+	
Information and alert thresholds	/	Annex I section 4	Question 7	+	PT does not agree with EP amendment but can agree with the compromise text of BE Presidency as stated in number 2.1.2 of document WK58/2024
Information and alert thresholds	/	Annex I section 4	Question 8	-	PT does not agree with EP amendment and can not agree with the BE Presidency for including this information thresholds for NO ₂ and SO ₂ as is represents a huge burden and a duplication of tasks. This information

					is already available to the public through the air quality information and also the air quality index, obligations established by art 22.
Information and alert thresholds	/	Annex I section 4	Question 9	-	Portugal does not agree with the adoption of information thresholds for PM ₁₀ e PM _{2,5} . This information is already available to the public through the air quality information and also the air quality index, obligations established by art 22.
Air quality roadmaps	223a & 231	art. 19	Question 10		PT does not agree with the EP amendments on the rows 223a & 231. Answering question 10, PT has a strong preference for the wording “air quality plan” and for the positioning of the text in the fourth paragraph in art.19.
Air quality roadmaps	223a & 231	art. 19	Question 11	-	PT does not agree with the EP amendments on the rows 223a & 231. Answering question 11, PT cannot accept the year 2025 as a reference year for the air quality plan as elaborated in paragraph 19/(4) of the Commission proposal. Portugal considers that it will have to be the year 2027 as proposed in the text of the Council’s mandate.
Air quality standards	82a	art. 4, point (1a)	Question 12	-	PT does not agree with the PE amendment of introduction of the definition and prefers the reference to the various parameters, which seems clearer.
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	/	
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	/	
Assessment criteria	144-145	art. 8(3)	Question 15	-	PT does not agree with the re-introduction of the COM proposal for 8(3) as mentioned in question 15, number 2.6.1 of document WK58/2024.
Assessment criteria	144-145	art. 8(3)	Question 16	-	PT does not agree with the re-introduction of the COM proposal for 8(3) as mentioned in question 16, number 2.6.1 of document WK58/2024.
Assessment criteria	144-145	art. 8(3)	Question 17	-	PT does not agree with the re-introduction of the COM proposal for 8(3) as mentioned in question 17, number 2.6.1 of document WK58/2024.
Assessment criteria	144-145	art. 8(3)	Question 18	-	PT does not agree with the re-introduction of the COM proposal for 8(3) as mentioned in question 18, number 2.6.1 of document WK58/2024.

Assessment criteria	144-145	art. 8(3)	Question 19	/ -	PT does not agree with the re-introduction of the COM proposal for 8(3) as mentioned in question 19, number 2.6.1 of document WK58/2024 with introduction of a periodical modelling (e.g.. every 5 years) in art. 7 [for the whole Member State/for zones above the assessment threshold] from 2 years after the publication of the Implementing Act referred to in 8(5a). However PT is available to consider this proposal as a compromise text.
Assessment criteria	147	art. 8(5)	Question 20	-	PT does not agree with deletion of the reference to indicative measurements in the third paragraph, thus allowing only fixed measurements when a model (or – see option 4 – indicative measurements) shows exceedances not covered by other fixed measurements, as mentioned in question 20, number 2.6.1 of document WK58/2024.
Assessment criteria	147	art. 8(5)	Question 21	-	PT is in favor of the council mandate position and does not agree with the proposed text in question 21, number 2.6.1 of document WK58/2024.
Assessment criteria	150	art. 8(8)	Question 22	/	Although PT is of opinion that should be kept the text of the Council mandate, may accept the BE Presidency proposal under question 22 of changing the ‘may’ again to ‘shall in article 8(8) as a compromise text. (number 2.61 of document WK58/2024)
Sampling points	163b	art. 9	Question 23	-	PT is of opinion that should be kept the text of the Council mandate and does not agree with one obligatory sampling point per 5 million inhabitants for both UFP and BC. PT is of opinion that BC should be optional.
Sampling points	163b	art. 9	Question 24	-	PT does not agree with increasing the number of monitoring stations as it entails unnecessary and disproportionate costs in relation to the results.
Supersites	169b	art. 10 (4a)	Room doc question 1	-	PT prefers to keep the flexibility for pollutants below the AT in urban supersites.
Supersites	169b	art. 10 (4a)	Room doc question 2	+	PT is of opinion that should be explored one additional alternative compromise approach agreeing with this option.

Supersites	/	Annex VII table 2 and 3	Room doc question 3	/ -	PT can accept the inclusion of SO₂ as a compromise text but assessed by indicative measurement given that SO ₂ is not a problematic pollutant to air quality in PT adding a burden to the assessment of air quality.
Supersites	/	Annex VII table 2 and 3	Room doc question 4	-	PT does not understand the rational of this proposal and so can not accept the inclusion of measurement of CO in supersites
Supersites	/	Annex VII table 2 and 3	Room doc question 5	-	PT does not understand the rational of this proposal and so can not accept the inclusion of measurement of benzene in supersites.
Supersites	/	Annex VII table 2	Room doc question 6	/ -	PT needs more information on the rational to include this parameter as obligatory in rural background sites, on the measurement methods and the associated costs
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	PT does not agree with the obligation of monitoring NH ₃ and Hg in urban supersites.
Supersites	New	art. 10 (5a)	Question 26	/	
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	/	
Amendments to Annexes	285	art. 24, first paragraph	Question 28	/	Although PT is of opinion that should be kept the text of the Council mandate, may accept the BE Presidency proposal under question 28
Amendments to Annexes	285	art. 24, first paragraph	Question 29	/	Although PT is of opinion that should be kept the text of the Council mandate, may accept the BE Presidency proposal under question 29
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	-	PT does not agree with the changes proposed by the EP on article 28, maintaining the opinion that article 28 should be deleted for the reasons already mentioned in previous documents.

SLOVAKIA

Comments to Updated table for delegations' comments on steering note/room document 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	+	SK agrees
Information and alert thresholds	200	art. 15 (3)	Question 2	+	The EP's requirements for the "form" of the submitted information are acceptable, but it is necessary to clearly define which vulnerable groups are meant (health, social, etc.) and what the special emphasis should include.
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	-	SK strongly supports to keep the Council mandate.
Short-term action plans	/	Annex VIIIa	Question 4	+	SK can conditionally accept the EP amendment. However, action plans will continue to contain only information to the public about the risk of exceeding and its effects, since no measures for local heating in an inverse situation are possible.
Short-term action plans	249	art. 20 (4)	Question 5	-	SK support to keep the Council mandate while creating a legal basis for the use of modeling and forecasting applications for those MSs that are interested and able to use them.
Short-term action plans	250a	art. 20 (5a)	Question 6	/	
Information and alert thresholds	/	Annex I section 4	Question 7	+	SK can support the PRES compromise for SO ₂ alert threshold at 350 µg/m ³ as 3 hour average, and for NO ₂ alert threshold at 200 µg/m ³ as 3 hour average

Information and alert thresholds	/	Annex I section 4	Question 8	+	SK can support the PRES compromise for SO ₂ but not for NO ₂ . The increase in NO ₂ concentration is mainly local, so declaring it for an area of 100 km ² as a warning when 100 µg/m ³ is exceeded for 3 hours seems excessive.
Information and alert thresholds	/	Annex I section 4	Question 9	-	SK supports to keep the Council mandate.
Air quality roadmaps	223a & 231	art. 19	Question 10	/	
Air quality roadmaps	223a & 231	art. 19	Question 11	/	
Air quality standards	82a	art. 4, point (1a)	Question 12	/	
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	+	SK supports the Option 1
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	+	Alternatively, SK can support also this Option 2, even though it will be less preferable for SK and it will be too complicated.
Assessment criteria	144-145	art. 8(3)	Question 15	-	SK supports the Council mandate, while proposing to leave the evaluation of the representativeness of the stations as voluntary for the time being. As part of Fairmode, the methodology for determining the representativeness of the stations is still being created in WG8, so it should be added that they will provide information on the representativeness of the country's stations if they have it.
Assessment criteria	144-145	art. 8(3)	Question 16	/	
Assessment criteria	144-145	art. 8(3)	Question 17	/	
Assessment criteria	144-145	art. 8(3)	Question 18	+	SK can support this option to re-introduce the Commission proposal but also allowing to use indicative measurements instead of modelling.
Assessment criteria	144-145	art. 8(3)	Question 19	+	SK can support also the introduction of a periodical modelling as proposed by PRES.

Assessment criteria	147	art. 8(5)	Question 20	-	SK does not support the deletion of the reference to the indicative measurements as it would require fast installation of the station.
Assessment criteria	147	art. 8(5)	Question 21	-	SK strongly supports the Council mandate. The EP's requirement to introduce a fixed measurement within 6 months is not possible to be met for us. It is possible to start mobile monitoring within 6 months, but without the right to demonstrate representativeness and meet all micro- and macrosite requirements. Therefore, we are of the opinion that at least 2 years are necessary for fixed measurements. For indicative measurements, 6 months could be more feasible, as they are not as difficult to place, but it is definitely better to have a longer time available (1 year).
Assessment criteria	150	art. 8(8)	Question 22	-	SK supports to keep the word "may". In case the word "shall" will be reintroduced we would insist to have a suitable Guidance prepared by the Commission.
Sampling points	163b	art. 9	Question 23		For SK this would mean to have 2-3 stations. Measurements at monitoring supersites in urban background sites and rural background sites include pollutants listed in Tables 1 and 2 of Section -1 of Annex VII and may also include pollutants listed in Table 3 of Section -1 of Annex VII.
Sampling points	163b	art. 9	Question 24	-	SK cannot support the increase of number of monitoring stations. BC is currently still measured mostly in research projects and no standard procedures are available. In this case, the mandatory introduction of BC measurement on common AMS would mean the impossibility of a uniform measurement procedure and thus it would not be possible to compare data from individual MS. We recommend not accept the obligation of monitoring and leaving it only as an option on supersites.
Supersites	169b	art. 10 (4a)	Room doc question 1	+	SK can accept this option as an alternative to Option 2, excluding the oxidative potential of PM.
Supersites	169b	art. 10 (4a)	Room doc question 2	+	SK can support this option as preferred one. It can be done on all pollutants, as all techniques available, except on the oxidative potential of PM, and controlled measurements on supersites can be done in 2-5 year intervals.

Supersites	/	Annex VII table 2 and 3	Room doc question 3	+	SO ₂ comes mainly from the burning of fossil fuels (coal, or secondary fuels), which is burned either in thermal power plants, heating plants, cement plants (it is gradually being switched to other energy sources) and in local heating systems. SO ₂ monitoring is well managed and should be possible on supersites without problems.
Supersites	/	Annex VII table 2 and 3	Room doc question 4	+	Similar as SO ₂ , only the source is generally the combustion of organic substances, not only coal and secondary fuels. Therefore, mandatory monitoring can be supported.
Supersites	/	Annex VII table 2 and 3	Room doc question 5	+	The technique is mastered, standardized so it is possible to agree to mandatory measurement at any supersite, even if the rural area is not interesting for benzene monitoring, as it comes primarily from leaked car fuel and the burning of coal and heating oil.
Supersites	/	Annex VII table 2	Room doc question 6	-	SK cannot support as mandatory. The measurement of oxidative potential of OM is even worsely defined than BC and we have no standards, no reference materials and it is still under research.
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	SK supports to keep the Council mandate on the recommendation of measurements as it was proposed, at least until these techniques are mastered at a level that allows providing stable and reliable results (NH ₃). For Hg, it is possible to agree with mandatory measurement, since the techniques for measuring Hg at concentration levels expected in cities (~100 ng/m ³) are well mastered and feasible.
Supersites	New	art. 10 (5a)	Question 26	+	SK can support the PRES compromise. However, it would be good to include data on the prevailing atmospheric conditions during the measurement so it would be recorded, i.e. if it was rainy or dry conditions during the measurement cycles which would be good for comparability of the data.
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	-	SK supports to keep the Council mandate.
Amendments to Annexes	285	art. 24, first paragraph	Question 28	-	SK supports to keep the Council mandate.

Amendments to Annexes	285	art. 24, first paragraph	Question 29	-	SK supports to keep the Council mandate.
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	-	No flexibility.

AQD written comments after the WPE meeting 9.1.2023

Section 1 of the steering note

- Regarding issues listed under section 1, we can be flexible with the changes.
- Also, as SE pointed out in the WPE meeting, In Annex IV, Section B.2.b, the area of 250x250 m for measuring contributions from residential heating is too large, and the Council mandate is much more realistic in this regard.

Room Document on Article 10

- Regarding flexibilities, we could support option 2 (= Keeping the flexibility for pollutants below the AT in urban supersites, but requesting that these are measured (rather than assessed) at least every [2/5] years.)
- Regarding pollutants to be measured, we could support option 3 (= The inclusion of SO₂ in table 2 (obligatory in rural background sites) and table 3 (making it recommended in urban background sites) of annex VII)
- Regarding Article 10 we also want to point out that it is very important for us that the in the row 169 b, the new provision on flexibility concerning the measurement obligations at rural supersites maintains as it is in council General Approach (the Council Mandate on Article 10(4a)). According to this provision *“A Member State may choose not to measure black carbon, ultrafine particles or ammonia in half of its rural background supersites if the number of its rural background supersites exceeds the number of its urban background supersites by at least a ratio of 2:1 between rural and urban supersites, as long as the selection of sites is representative for the three pollutants.”*. This flexibility would reduce the total number of rural supersites in EU by very few, but is relevant for us not to have an outbalanced ratio of urban and rural sites, especially as the air is generally the cleanest in Europe at these northern sites.

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	+	
Information and alert thresholds	200	art. 15 (3)	Question 2	+/-	We support informing sensitive population and vulnerable groups as such, but for us the proposed wording seems to be a bit unclear. It seems that there are now two requirements with almost identical content on informing sensitive population and vulnerable groups when information threshold is exceeding. We feel that there is a need to clarify this further.
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	+	
Short-term action plans	/	Annex VIIIa	Question 4	+	
Short-term action plans	249	art. 20 (4)	Question 5	+	
Short-term action plans	250a	art. 20 (5a)	Question 6	+	We can support adding new art 20 (5a) on guidelines, but we are not sure if this is in line with the approach where all other references to guidelines have been deleted and replaced by COM implementing acts.
Information and alert thresholds	/	Annex I section 4	Question 7	-	Regarding question 7 on alert thresholds for SO ₂ and NO ₂ , we find the proposal confusing since the outcome might eventually be that the alert thresholds would be the same as the relevant limit values (in cases where Council mandate including three possible exceedances of one hour limit values for SO ₂ and NO ₂ stays). We ask the Pres to clarify this further. We find it important to distinguish the alert thresholds from the limit values, as they trigger different consequences.

Information and alert thresholds	/	Annex I section 4	Question 8	+	We can be flexible
Information and alert thresholds	/	Annex I section 4	Question 9	+	We can be flexible although we are worried of the too frequent public information especially in the case of PM10, as many MSs pointed out in the WPE meeting.
Air quality roadmaps	223a & 231	art. 19	Question 10	+	We can be flexible
Air quality roadmaps	223a & 231	art. 19	Question 11	+	We think that the reference year could be 2025, 2026 or 2027.
Air quality standards	82a	art. 4, point (1a)	Question 12	+	We can be flexible, but would like to stress the need to be sure, that this new definition does not change the substance.
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	+	It is important for us to maintain the possibility to use NUTS 1 level. Since both of the options in questions 13 and 14 make that possible, we can be flexible between them.
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	+	See above
Assessment criteria	144-145	art. 8(3)	Question 15	+	We can support re-introduction of Article 8(3) as stated by the COM, and we can be flexible with the alternatives proposed by the Pres in questions 15-18.
Assessment criteria	144-145	art. 8(3)	Question 16	+	See above
Assessment criteria	144-145	art. 8(3)	Question 17	+	See above
Assessment criteria	144-145	art. 8(3)	Question 18	+	See above
Assessment criteria	144-145	art. 8(3)	Question 19	-	
Assessment criteria	147	art. 8(5)	Question 20	+	Regarding questions 20 and 21 on article 8.5, we can be flexible, although we note that 6 months (in question 21) is not enough.
Assessment criteria	147	art. 8(5)	Question 21	+	See above
Assessment criteria	150	art. 8(8)	Question 22	+	WE can be flexible, even though we would have preferred “may”
Sampling points	163b	art. 9	Question 23	+	We strongly support adding BC as obligatory measurements instead of voluntary.
Sampling points	163b	art. 9	Question 24	+/-	We think that one sampling point per 5 million inhabitants could be increased. However, we think that EP proposal (one sampling point per

					one million inhabitants) would be too strict. We could accept one sampling point per 2-4 million.
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	We do not support making ammonia, and especially gaseous mercury, obligatory in urban supersites.
Supersites	New	art. 10 (5a)	Question 26	+	
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	
Amendments to Annexes	285	art. 24, first paragraph	Question 28	-	We are aware that according to the current legislation the annexes referred to in questions 28 and 29 (Annex IX on public information, Annex VIII on information to be included in the air quality plans and Annex VIIIa on the information to be included in the short term action plan) are to be amended by the COM in accordance with regulatory procedure with scrutiny. However, we think that the content of these annexes can be seen as essential elements of the Directive and therefore we do not support additions in the COM empowerment to adopt delegated acts in the article 24. We call here for an outcome as close to the Council mandate as possible.
Amendments to Annexes	285	art. 24, first paragraph	Question 29	-	See above
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	-	We do not have any further flexibilities to share and we call for an outcome as close to the Council mandate as possible

SWEDEN

Comments following the WPE on 9th Jan 2024

Green and yellow rows pending agreement by the Council

Sweden can accept the majority of compromise proposals that the Presidency has preliminarily agreed with the Parliament. Sweden would however like to reiterate that we see problems with two key issues detailed below. We also have some more minor comments and suggestions to improve the text.

Key issue 1: Article 9(3) / row 156 and 158

We understand from the comments from some MS during the WPE that there is a preference to keep the Council mandate for Art 9 (3) point (a), so there would be a choice of conducting indicative measurements OR modelling when reducing the number of fixed measurements.

We have understanding for this preference, but it is important to point out that this is not compatible with the provision in Art 9 (3) point (c), which states that MS can replace one fixed measurement with only one indicative measurement. This would defeat the purpose of the provision, since the idea is to sacrifice some fixed measurements to gain more information on the spatial distribution of pollutants.

It only makes sense to allow a reduction in the number of fixed measurements if you have a larger number of indicative measurements compared to the number of fixed measurements being replaced, or if you combine indicative measurements with modelling as was originally proposed by COM. Otherwise you would not receive any added information and would instead only be reducing the quality of the AQ assessment in a zone. In this case there is no reasonable justification for allowing a reduction in the minimum number of sampling points of up to 50 %.

Therefore, if we are to retain the Council mandate for Art 9(3) point (a), (i.e. keep “or”) then it is important to at the very least delete the part of Art 9(3) point (c) that states that “the number of indicative measurements is the same as the number of fixed measurements that are being replaced”. This would actually align the provision with the current Directive and we would be willing to accept this approach as a compromise. In this case, considerations on the relevant number of indicative measurements to replace a fixed measurement can instead be left to guidance.

Key issue 2: Annex IV B (2b) – siting criteria for sampling points measuring domestic heating contributions

Sweden opposes the compromise proposal in Annex IV, B (2b) regarding the required area of representativeness for sampling points to assess contributions to domestic heating. Studies of B(a)P concentrations in areas with a lot of wood burning in Sweden show that 250 m x 250 m is a too large area since concentrations gradients can be very large in the vicinity of the worst emission sources.

The Council mandate gives much more relevant criteria, i.e. an area of at least 25 m x 25 m and Sweden supports keeping this.

It should also be noted that this would not disqualify sampling points with a larger area of representativeness of 250 m x 250 m or larger, as proposed in the compromise proposal, so it is difficult to understand why the Council mandate could not be accepted for this issue.

Minor issues

Art. 5 (1a) & (1c) / Row 123 & 125

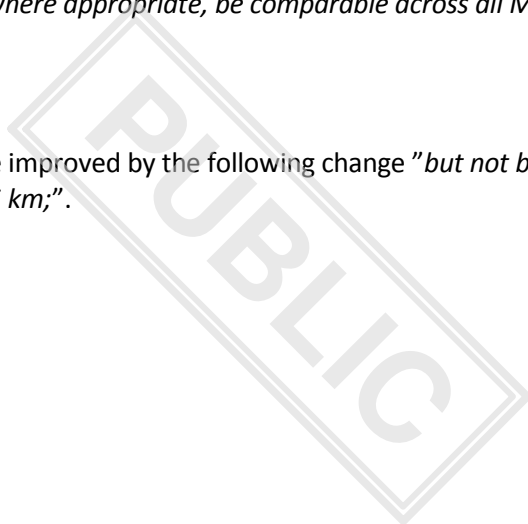
Sweden can support these additions in Art 5, but would prefer that they are added as separate points in Art 5. The same competent authorities are not always responsible for all the tasks in each of the points as they are written in the compromise proposal, which could lead to problems and misunderstandings when implementing the provisions.

Art 22 (2) / row 267

SE can accept the compromise proposal, but would prefer to change the text “insofar as possible” to “where appropriate”. I.e. *“...The air quality index shall, insofar as possible where appropriate, be comparable across all Member States...”*

Annex IV, B (2e)

SE can accept the compromise proposal but the language would be improved by the following change *“but not by urban areas or industrial sites in their vicinity, i.e. sites closer than 5 km;”*.



Updated table for delegations' comments on steering note/room document 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	+	
Information and alert thresholds	200	art. 15 (3)	Question 2	+	Could possibly delete the word “detailed” since this is unnecessary and difficult to interpret. The information required should instead be described in Annex IX.
Short-term action plans	246	art. 20 (1), second subparagraph	Question 3	+	
Short-term action plans	/	Annex VIIIa	Question 4	+	SE can accept to include Annex VIIIa in the Directive and look positively on the Presidency’s proposed amendments to the Parliament’s proposed text.
Short-term action plans	249	art. 20 (4)	Question 5	+	
Short-term action plans	250a	art. 20 (5a)	Question 6	+	
Information and alert thresholds	/	Annex I section 4	Question 7	+	SE can accept the Presidency’s proposal, but could definitely not support the lower levels proposed by the EP, since these are even lower than the WHO’s guideline values for SO ₂ and NO ₂ .
Information and alert thresholds	/	Annex I section 4	Question 8	+	
Information and alert thresholds	/	Annex I section 4	Question 9	+	SE could accept this proposal as a compromise, as long as the requirement for evaluation over an area of 100 km ² or an AQ zone is kept. If this were to be evaluated over smaller areas then the proposed

					levels are quite low and would risk leading to too frequent warnings, which would compromise the aim of the provision.
Air quality roadmaps	223a & 231	art. 19	Question 10	Flexible	
Air quality roadmaps	223a & 231	art. 19	Question 11	+	Both to having 2025 as a reference year and to the deadline for establishing the roadmap by the end of 2028.
Air quality standards	82a	art. 4, point (1a)	Question 12	+	SE can support the addition of a definition of “air quality standards” and agree with the Presidency regarding potential problems with the reference in a few specific provisions, which need to be dealt with.
Average exposure territorial units	110a	art. 4, point (29a)	Question 13	+	SE would prefer option 1 regarding the definition of the “average exposure territorial unit”.
Average exposure territorial units	110a	art. 4, point (29a)	Question 14	Some flexibility	SE could even accept option 2 as a compromise, but question if the maximum total area needs to be as large as 85 000 km ² . To give the flexibility that MS have asked for, a maximum area of 50 000 km ² should be enough. If the AETU’s become too large we risk losing the regionalization of the exposure reduction approach.
Assessment criteria	144-145	art. 8(3)	Question 15	+	Any of the options in question 15, 16 and 18 would be a significant improvement compared to the Council mandate and would solve what we see as a major issue in the mandate regarding the lack of ambition and watering down of the provisions on modelling. Modelling is a key tool for AQ assessment and management and this should be reflected appropriately in the Directive.
Assessment criteria	144-145	art. 8(3)	Question 16	+	See answer to Q15
Assessment criteria	144-145	art. 8(3)	Question 17	Some flexibility	We see potential drawbacks with both option 17 and 19, since it is highly questionable to establish in a directive that AQ modelling only needs to be done every 5 years. This is impractical, could lead to significant data gaps and problems with implementing specific provisions in the directive. These options would, however, still be preferable to the Council mandate.
Assessment criteria	144-145	art. 8(3)	Question 18	+	See answer to Q15
Assessment criteria	144-145	art. 8(3)	Question 19	Some flexibility	See answer to Q17.
Assessment criteria	147	art. 8(5)	Question 20	-	SE thinks that it could be useful to leave the flexibility to carry out indicative measurements instead of fixed measurements in cases where

					it could be appropriate.
Assessment criteria	147	art. 8(5)	Question 21	-	A deadline of 6 months could be too short in certain cases, even where indicative measurements are used. SE can accept a deadline of 12 months to <u>establish</u> additional measurements, since we interpret this to be the same timeframe in practice as the Council mandate, which requires measurements to be <u>conducted within 2 years</u> and to cover at least 1 calendar year.
Assessment criteria	150	art. 8(8)	Question 22	+	SE does not see a problem with this since the change makes no difference in practice.
Sampling points	163b	art. 9	Question 23	+	
Sampling points	163b	art. 9	Question 24	-	SE is sceptical on the need to increase the required number of stations.
Supersites	169b	art. 10 (4a)	Room doc question 1	+	
Supersites	169b	art. 10 (4a)	Room doc question 2	Some flexibility	SE has a strong preference for option 1 in the room document, but could also accept option 2 as a compromise.
Supersites	/	Annex VII table 2 and 3	Room doc question 3	-*	SE could potentially be open to measuring SO2 in rural supersites as long as it is acceptable to use the EMEP method, since this is already being done at rural sites.
Supersites	/	Annex VII table 2 and 3	Room doc question 4	-	
Supersites	/	Annex VII table 2 and 3	Room doc question 5	-	
Supersites	/	Annex VII table 2	Room doc question 6	-	
Supersites	/	Art 10 / Annex VII		*	As a general point on pollutants to be measured at supersites: When considering possible compromises SE thinks that it is important to keep in mind and, where possible, aim for harmonisation with the measurements made within the ACTRIS framework. This is particularly relevant for the rural supersites and we would have more of an issue with any proposals to increase measurements at the urban stations. One example of harmonization with ACTRIS would be to move measurements of particle number size distribution from indicative to fixed measurements. Since this is measured with automatic

					instruments, it would make sense to run these continuously.
Supersites	169a	art. 10 (4a), first subparagraph	Question 25	-	SE does not see the need for obligatory measurements of ammonia or mercury at all urban supersites, since there is a lack of local sources for these pollutants in urban environments in most parts of Europe. These measurements should therefore be kept as recommendations.
Supersites	New	art. 10 (5a)	Question 26	+	SE can support this, as long as the “where possible” part of the proposal is retained.
Transboundary air pollution	253	art.21 (1), second subparagraph	Question 27	+	
Amendments to Annexes	285	art. 24, first paragraph	Question 28	+	
Amendments to Annexes	285	art. 24, first paragraph	Question 29	+	
Access to justice, compensations, penalties	300-325c	art. 27-29	Question 30	*	SE reiterates our general support for the Council mandate regarding Article 27 – 29. SE is, however, flexible regarding the EP proposal on Art 28 (2) / row 312. SE can show flexibility with regard to the Presidency’s proposal to align the wording of Art 28 as much as possible with the IED final compromise text.