



Council of the European Union
General Secretariat

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

Brussels, 16 May 2023

WK 6426/2023 ADD 1

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	ST 14217/22 + ADD 1
Subject:	Air Quality Directive: follow-up to the WPE on 8 May 2023 - comments by delegations

Following the call for comments (WK 5892/23), delegations will find attached the contributions received from the BG and FR (accompanied by a courtesy translation) delegations on Articles 7, 8 and 10 .

FRANCE

NOTE DES AUTORITÉS FRANÇAISES

Objet : Révision de la directive 2008/50/CE concernant la qualité de l'air ambiant et un air pur en Europe : commentaires des autorités françaises en réponse à l'appel à commentaires écrits de la Présidence du 8 mai 2023

Les autorités françaises remercient la Présidence pour les travaux menés au cours du groupe « Environnement » le 8 mai 2023. Elles souhaitent apporter des commentaires en rappelant la réserve d'examen sur l'ensemble du projet de directive dont l'analyse détaillée par les autorités françaises se poursuit.

CHAPITRE II – EVALUATION DE LA QUALITE DE L'AIR AMBIANT ET TAUX DE DEPOT

Article 7: système d'évaluation

Pour le B(a)P, les autorités françaises **soulignent à nouveau que le rabaissement du seuil d'évaluation à l'annexe II proposé par la Commission aurait des impacts très significatifs** nécessitant la mise en place de mesures fixes dans un nombre beaucoup plus important de zones, alors que **la valeur limite définie à l'annexe I en 2030 n'évolue entre la directive actuelle et le projet de directive proposé par la Commission.**

Article 8: Critères d'évaluation

Article 8.3

Les autorités françaises rappellent leur **soutien aux deux premières propositions de la Présidence** ainsi que leur **demande de méthode pour évaluer la représentativité des points de mesures (fixes et indicatives) en ce qui concerne la première option**. Elles souhaitent également rappeler leur **proposition de modification de l'article 8.3** communiqué dans le cadre des commentaires à l'issue de groupe du 9 mars :

*"3. In all zones where the level of pollutants exceeds a limit value established for those pollutants in Table 1 of Section 1 of Annex I or an ozone target value established in Section 2 of Annex I modelling applications ~~shall~~ **may** be used in addition to fixed measurements ~~to assess the ambient air quality in order to~~ **These modelling applications shall also provide information on the spatial distribution of pollutants and on the spatial representativeness of fixed measurements.**"*

Les autorités françaises sont également **favorables à l'application des dispositions de l'article 8.3 à partir de 2030.**

Article 8.5

L'utilisation de la modélisation, au regard des nombreuses incertitudes existantes à ce jour en matière de critères qualité et de représentativité, ne doit pas être étendue à la caractérisation d'une situation de dépassement d'une valeur limite ou d'une valeur cible qui doit rester du ressort de la mesure. Les autorités françaises sont donc opposées à l'article 8.5 de la proposition de directive. Elles souhaitent cependant indiquer leur intérêt pour l'option 3 proposée par la Présidence consistant à explorer une autre voie concernant l'utilisation de la modélisation, et soulignent **l'intérêt d'utiliser la modélisation pour obtenir des informations complémentaires**, notamment en matière de surface et de population exposées dans le cadre des situations de dépassement tel que cela est pratiqué à l'heure actuelle. **Elles rappellent par ailleurs que la définition d'un cadre QA/QC pour réaliser les modélisations, préalablement à l'établissement d'un document d'orientation, est nécessaire.**

Définition de l'estimation objective (article 4, point 21) et définition de la représentativité spatiale (article 4, point 22)

Les autorités françaises, à l'instar de plusieurs autres Etats membres lors du dernier groupe, soulignent **l'importance d'obtenir des guidelines sur ces sujets** en particulier en ce qui concerne la représentativité spatiale. Elle rappellent, tel que convenu lors du groupe, la **proposition de définition pour l'estimation objective** formulée dans ses précédents commentaires : *« results obtained by implementing any formalized method making it possible to estimate the order of magnitude of pollutant concentrations at a given point or over a geographical area without necessarily reverting to complex mathematical tools or physics equations »*.

Mesure des particules ultrafines (article 4, point 14, article 8, paragraphe 7, annexe III point D, et annexe VII section 3)

Les autorités françaises considèrent qu'il convient de **clarifier la définition de PUF** et **rappellent leur proposition** précédemment formulée tel que convenu lors du groupe : *« ultrafine particles (UFP) means the particle number concentrations in cm^3 for a size range with a lower limit of $\leq 10 \text{ nm}$ and for a size range with no restriction on the upper limit **a subset of $\text{PM}_{2.5}$, commonly defined as particles with at least one dimension less than 100 nanometres (nm) and usually expressed in particle number concentration (number of particles per cm^3)** »*.

Les autorités françaises rappellent que la définition 14 relative aux particules ultrafines (PUF) reprend la recommandation issue du résumé d'orientation des lignes directrices publiées par l'Organisation mondiale de la santé (OMS) qui propose **d'estimer les particules ultrafines ambiantes en termes de concentration en nombre de particules pour un spectre de dimensions comportant une limite basse inférieure ou égale à 10 nm et une limite supérieure sans restriction**. Cette recommandation, à laquelle les autorités françaises sont favorables, concerne la mesure en nombre de particule (PNC) et non les PUF en tant que telles. Cette méthode devrait être indiquée au sein du **paragraphe C de la section 3 de l'annexe VII relative à la mesure des PUF par l'ajout d'une mention précisant que les PUF, telles que définies précédemment, sont estimées par la mesure conformément aux recommandations de l'OMS en nombre de particules (PNC : particule number concentration) à l'aide de CNC**.

Enfin, concernant la **densité des stations de mesures des PUF**, les autorités françaises sont favorables, à une mesure, au sein des supersites :

- **Pour les sites urbains :**
 - Obligation de mesures des PNC avec CNC
 - Recommandation de mesures des PUF avec SMPS
 - Recommandation de mesure du BC
- **Pour les sites ruraux :**
 - Recommandation de mesures des PUF avec SMPS
 - Recommandation de mesure du BC

Article 10 – super sites

Les autorités françaises, tel que convenu lors du groupe, rappellent leur **proposition de mesures obligatoires** pour certains paramètres, et de **mesures recommandées** pour d'autres paramètres en cohérence avec la densité des stations de mesures des PUF précitée au précédent paragraphe :

urban background location		rural background location	
obligation	recommandation	obligation	recommandation
fixed measurements of particulate matter (PM ₁₀ and PM _{2.5}), nitrogen dioxide (NO ₂), ozone (O ₃)	fixed or indicative measurements of black carbon (BC), ammonia (NH ₃) and ultrafine particles (UFP)	fixed measurements of particulate matter (PM ₁₀ and PM _{2.5}), nitrogen dioxide (NO ₂), ozone (O ₃)	fixed or indicative measurements of ultrafine particles (UFP), black carbon (BC), ammonia (NH ₃)
fixed measurements of particulates number concentrations (PNC)	fixed or indicative measurements of particulate matter oxidative potential.	fixed or indicative measurements of chemical speciation concentrations of PM _{2.5} or PM ₁₀ on an annual average basis in accordance with Section 1 of Annex VII	
	fixed or indicative measurements of chemical speciation concentrations of PM _{2.5} or PM ₁₀ on an annual average basis in accordance with Section 1 of Annex VII	fixed or indicative measurements of arsenic, cadmium, nickel, lead, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, lead, mercury, nickel, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), irrespective of concentration levels	
	fixed or indicative measurements of arsenic, cadmium, nickel, lead, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, mercury, nickel, lead, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6),		

	irrespective of concentration levels		
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La proposition d'article 10.5 et 10.6 modifiés suite au groupe du 9 mars est également rappelée ci-après :

~~« 5. Measurements at all monitoring supersites at urban background locations shall include fixed or indicative measurements of size distribution of ultrafine particles and particulate matter oxidative potential.~~

6. 5. Measurements at all monitoring supersites at urban background locations and rural background locations shall include the following :

(a) fixed measurements of particulate matter (PM₁₀ and PM_{2.5}), nitrogen dioxide (NO₂), ozone (O₃)

(b) fixed measurements of particles number concentrations (PNC)

6. The following measurements are recommended at all monitoring supersites at urban background locations :

(a) fixed or indicative measurements of black carbon (BC), ammonia (NH₃) and ultrafine particles (UFP)

(b) fixed or indicative measurements of particulate matter oxidative potential.

(c) fixed or indicative measurements of chemical speciation concentrations of PM_{2.5} or PM₁₀ on an annual average basis in accordance with Section 1 of Annex VII;

(d) fixed or indicative measurements of arsenic, cadmium, nickel, lead, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, mercury, nickel, lead, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), irrespective of concentration levels.

7. Measurements at all monitoring supersites at rural background locations shall include the following :

(a) fixed measurements of particulate matter (PM₁₀ and PM_{2.5}), nitrogen dioxide (NO₂), ozone (O₃)

(b) fixed or indicative measurements of chemical speciation concentrations of PM_{2.5} or PM₁₀ on an annual average basis in accordance with Section 1 of Annex VII;

(c) fixed or indicative measurements of arsenic, cadmium, nickel, lead, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, lead, mercury, nickel, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), irrespective of concentration levels

8. The measurements of fixed or indicative measurements of ultrafine particles (UFP), black carbon (BC), ammonia (NH₃) are recommended at all monitoring supersites at rural background locations. »

This is a courtesy translation and in the event there are any differences between the French and English texts, the French text governs

Subject : Révision of Directive 2008/50/EC on ambient air quality and cleaner air for Europe : comments from the French authorities in response to the Presidency's request for written comments on the Commission proposal received on 8 may 2023

The French authorities thank the Presidency for the work carried out during the « Environnement » group meeting on 8 may 2023. They wish to comment by recalling the scrutiny reservation on the whole proposal, the detailed analysis of this one by the french authorities is still ongoing.

CHAPITRE II – ASSESSMENT OF AMBIENT AIR QUALITY AND DEPOSITION RATES

Article 7 - Assessment regime

For B(a)P, the French authorities emphasize again that lowering the assessment threshold to Annex II proposed by the Commission would have very significant impacts requiring the implementation of fixed measures in a much larger number of zones, whereas the limit value defined in Annex I in 2030 does not change between the current directive and the draft directive proposed by the Commission.

Article 8 – Assessment criteria

Article 8.3

French authorities reiterate **their support for the first two proposals of the Presidency as well as their request for a method to assess the representativeness of the measurement points (fixed and indicative)** with regard to the first option. They also wish to recall their **proposal to amend Article 8.3** communicated in the context of the comments following the group meeting of 9 March :

*“3. In all zones where the level of pollutants exceeds a limit value established for those pollutants in Table 1 of Section 1 of Annex I or an ozone target value established in Section 2 of Annex I modelling applications ~~shall~~ **may** be used in addition to fixed measurements ~~to assess the ambient air quality in order to~~ ~~These modelling applications shall also~~ provide information on the spatial distribution of pollutants and on the spatial representativeness of fixed measurements.”*

French authorities are also **in favour of applying the provisions of Article 8.3 from 2030.**

Article 8.5

The use of modelling, regarding uncertainties that exist to date in terms of quality and representativeness criteria, shall not be extended to the characterisation of a situation in which a limit value or target value is exceeded. Exceedance shall remain the responsibility of measurement. French authorities are therefore opposed to Article 8.5 of the proposed directive. However, they wish to indicate their interest in option 3 proposed by the Presidency, which consists in exploring another way of using modelling, and emphasise the **interest in using modelling to obtain additional information**, particularly in terms of surface area and population exposed in the context of exceedance situations, as is currently the case. **They also point out that the definition of a QA/QC framework for modelling, prior to the establishment of a guidance document, is necessary.**

Definition: objective estimation (article 4, point 21) and spatial representativeness (article 4, point 22)

French authorities, like several other Member states in the last group, **emphasize the importance of obtaining guidelines on these subjects, particularly with regard to spatial representativeness**. They recall, as agreed in the group, the **proposed definition for objective estimation** formulated in their previous comments: **« results obtained by implementing any formalized method making it possible to estimate the order of magnitude of pollutant concentrations at a given point or over a geographical area without necessarily reverting to complex mathematical tools or physics equations »**.

Ultrafine particles measurement (article 4, point 14, article 8, paragraph 7, annex III point D, and annex VII section 3)

French authorities considered that the definition of PUF should be clarified and recalled their earlier proposal as agreed in the group : **« ultrafine particles (UFP) means the particle number concentrations in cm^3 for a size range with a lower limit of ≤ 10 nm and for a size range with no restriction on the upper limit a subset of $\text{PM}_{2.5}$, commonly defined as particles with at least one dimension less than 100 nanometres (nm) and usually expressed in particle number concentration (number of particles per cm^3) »**.

French authorities recall that definition 14 on ultrafine particles (UFP) follows the recommendation from the WHO guidance summary which proposes **to estimate ambient ultrafine particles in terms of particle number concentration for a size range with a lower limit of 10 nm or less and an unrestricted upper limit**. This recommendation, which French authorities supports, relates to particle number measurement (PNC) and not to UFPs as such. This method should be indicated in paragraph C of section 3 of Annex VII on the measurement of PUFs by adding a statement to the effect that PUFs, as defined above, are estimated by measurement in accordance with the WHO recommendations in particle number concentration (PNC) using CNC.

Finally, concerning the **density of measurement stations for PUFs**, French authorities are in favour of a measurement within the supersites:

For urban background location:

- **Obligation to measure PNC with CNC**
- **Recommended measurement of UFP with SMPS**
- **Recommended measurement of BC**

For rural background location:

- **Recommended measurement of UFP with SMPS**
- **Recommended measurement of BC**

Article 10 : Monitoring supersites

French authorities, as agreed during the group, reiterate **their proposal for mandatory measurements regarding certain parameters**, and **recommended measurements for other parameters** in line with the density of UFP measurement stations mentioned in the previous paragraph:

urban background location		rural background location	
obligation	recommendation	obligation	recommendation
fixed measurements of particulate matter (PM_{10} and $\text{PM}_{2.5}$), nitrogen dioxide (NO_2), ozone (O_3)	fixed or indicative measurements of black carbon (BC), ammonia (NH_3) and ultrafine particles (UFP)	fixed measurements of particulate matter (PM_{10} and $\text{PM}_{2.5}$), nitrogen dioxide (NO_2), ozone (O_3)	fixed or indicative measurements of ultrafine particles (UFP), black carbon (BC), ammonia (NH_3)
fixed measurements of particles number concentrations (PNC)	fixed or indicative measurements of particulate matter oxidative potential.	fixed or indicative measurements of chemical speciation concentrations of $\text{PM}_{2.5}$ or PM_{10} on an annual	

		average basis in accordance with Section 1 of Annex VII	
	fixed or indicative measurements of chemical speciation concentrations of PM _{2.5} or PM ₁₀ on an annual average basis in accordance with Section 1 of Annex VII	fixed or indicative measurements of arsenic, cadmium, nickel, lead, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, lead, mercury, nickel, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), irrespective of concentration levels	
	fixed or indicative measurements of arsenic, cadmium, nickel, lead, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, mercury, nickel, lead, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), irrespective of concentration levels		

Modifications of article 10.5 and 10.6, liked proposed following the group of 9 mach, are also reminded below :

~~« 5. Measurements at all monitoring supersites at urban background locations shall include fixed or indicative measurements of size distribution of ultrafine particles and particulate matter oxidative potential.~~

6. 5. Measurements at all monitoring supersites at urban background locations and rural background locations shall include the following :

(a) fixed measurements of particulate matter (PM₁₀ and PM_{2.5}), nitrogen dioxide (NO₂), ozone (O₃)

(b) fixed measurements of particles number concentrations (PNC)

6. The following measurements are recommended at all monitoring supersites at urban background locations :

- (e) fixed or indicative measurements of black carbon (BC), ammonia (NH₃) and ultrafine particles (UFP)**
- (f) fixed or indicative measurements of particulate matter oxidative potential.**
- (g) fixed or indicative measurements of chemical speciation concentrations of PM_{2.5} or PM₁₀ on an annual average basis in accordance with Section 1 of Annex VII;**
- (h) fixed or indicative measurements of arsenic, cadmium, nickel, lead, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, mercury, nickel, lead, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), irrespective of concentration levels.**

7. Measurements at all monitoring supersites at rural background locations shall include the following :

- (d) fixed measurements of particulate matter (PM₁₀ and PM_{2.5}), nitrogen dioxide (NO₂), ozone (O₃)**
- (e) fixed or indicative measurements of chemical speciation concentrations of PM_{2.5} or PM₁₀ on an annual average basis in accordance with Section 1 of Annex VII;**
- (f) fixed or indicative measurements of arsenic, cadmium, nickel, lead, total gaseous mercury, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), and of the total deposition of arsenic, cadmium, lead, mercury, nickel, benzo(a)pyrene and the other polycyclic aromatic hydrocarbons referred to in Article 8(6), irrespective of concentration levels**

8. The measurements of fixed or indicative measurements of ultrafine particles (UFP), black carbon (BC), ammonia (NH₃) are recommended at all monitoring supersites at rural background locations. »

BULGARIA

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

Follow-up of the discussions in the WPE on 08.05.2023

Chapter II Assessment of ambient air quality and deposition rates

Article 7 Assessment regime and Annex II

We refer to our written comments submitted after the WPE held on 9 March 2023. The provisions of Article 7, which refer to Annex II, provide for a single assessment threshold for each pollutant, at levels proposed in the WHO guidelines. It is quite possible that the proposed changes in the air quality assessment regime will lead to an increase in the number of fixed measurement sites and a significant increase in the associated costs, the increase of which will not lead to corresponding benefits for the air quality.

As confirmed by the Commission at the meeting held on 9 March, the amendments to the assessment thresholds imply enhanced monitoring. The Commission refers to Table 18 of the Impact Assessment, where the EU level administrative cost estimate is reflected, with the main share due to increased monitoring requirements. Given the above, we support the position expressed by Cyprus, Italy, Slovakia, Hungary, Spain and Latvia on the need for an adequate transition period in order to adapt to the new requirements.

Regarding Annex 2 and the proposed assessment threshold for benzopyrene - Bulgaria's preliminary preference is to maintain the current lower assessment threshold of 0.4 ng/m³.

Article 8 Assessment criteria

Article 8(3) - Bulgaria's preliminary preference is to remove the proposed requirement to use modelling applications in areas where ambient air quality limit values or ozone target values are exceeded. We are leaning towards this option due to the lack of clarity which exceedances of limit values (those derived from measurements or those received using modelling) will be taken into account and used to assess compliance with the requirements of the Directive for the pollutant concerned.

Article 8(5) - Bulgaria is scrutinizing the second alternative proposed by the Presidency:

Clarify in the text issues regarding timeframes for carrying out additional fixed or indicative measurements. Delegations have raised issues relating to timeframes for setting up new measurements following the recording of an exceedance and how many years should be allowed for this. It has also been raised that the timing of these additional measurements may impact on the development of air quality plans in the years initially following the recording of an exceedance. In this respect, the Presidency would be interested to know if delegations feel that there should be more prescriptive provisions regarding the timeframes for additional measurements and if so, would they have concrete proposals on how this could be achieved?

We refer to our written comments submitted after the WPE held on 9 March 2023. The proposed text of Article 8.5 provides that if the modelling indicates an exceedance of a limit value or target value for ozone in an area of a zone not covered by fixed measurements, additional fixed or indicative measurements shall be used at least one year after the exceedance was recorded, in order to assess the concentration level of the relevant pollutant. In our view, the choice of this minimum duration of one year should be justified, taking into account the time required to install the required measurement points (considering the required funding, administrative procedures, equipment installation, calibration, etc.), as well as the effects of different meteorological conditions for that particular year. In addition, there is the

question of how to deal with an exceedance identified by modelling, if it is not confirmed by the additional measurements. With regard to these issues, we believe that the use of modelling to monitor ambient air quality following an exceedance of a limit value requires clarification. In the absence of information and clarifications on these aspects, we believe that modelling in this case should remain only as a complementary and non-obligatory option.

Article 10 Monitoring supersites – Bulgaria maintains a scrutiny reserve.