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General Secretariat

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**Brussels, 01 June 2023**

**WK 6961/2023 ADD 2**

**LIMITE**

**ENV**

**ENER**

**IND**

**TRANS**

**ENT**

**SAN**

**AGRI**

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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 22 May 2023 - comments by a delegation

Following the call for comments (WK 6694/23), delegations will find attached the contributions received from the IT delegation.

# ITALY

## **Proposal for a Directive on ambient air quality and cleaner air for Europe (recast)**

Italian comments on articles 1, 2, 3, 5, 9, 10, 11 and related sections of Annexes III, IV, V, VI, VII

### **Article 1**

Regarding the presence of the term “intermediate limit values” in Article 1.2, we confirm the request to remove the word "intermediate" from the wording of the article, which could generate interpretative confusions.

Regarding the second issue, we agree to remove from the text "by the year 2030" since this wording does not fit all the standards mentioned in the paragraph. On the other hand, it does not seem necessary to remove the words "to be met" from the text, without which the paragraph would lose its meaning.

### **Article 2**

We appreciate that the Presidency took into account our request to change the text of Article 2, which, as currently drafted, could lead to interpretive confusion. Therefore we support the suggested text amendment.

### **Article 3**

We suggest to postpone the first review to reflect the fact that the directive will be transposed by member states presumably in 2027. We propose that the first review could take place "3 years after the entry into force of the new air quality standards" or "by December 31, 2033."

With reference to the question regarding the information to be taken into account for the review, we agree to add information provided by Member States and relevant source legislation at Union level. In addition, we suggest to introduce an explicit reference to the fact that the review will include an assessment of the economic and social impact associated to the introduction of any more stringent air quality standards. Therefore an additional point e) could be added to the list in subsection 2 among the elements to be considered when reviewing the directive. Text proposal: “economic and social impacts and technical feasibility of the possible setting of more stringent air quality standards”.

### **Article 5**

We suggest to add in Article 5(d) a reference to Annex V item F, which does not appear to be referred to in the text of the directive.

We are satisfied with the contents of Point F of Annex V.

### **Article 9**

#### *a) Criteria for reducing the minimum number of sampling points*

We agree to remove the requirement in Article 9.3 (c) stating that indicative measurements need a minimum duration of 2 months per calendar year since data coverage requirements are reported in Annex V.

*b) Use of results from modelling applications and indicative measurements*

The paragraph should be removed from Article 9, because it does not seem to be in line with the contents of the article; it could possibly be integrated into Article 8.

An implementing act would be preferable in this case.

*c) Restrictions on relocation of sampling points*

First question: the current limit values should be applied to this provision prior to 2030.

Second question: we agree that there should be flexibility in these cases.

Third question: we reiterate our proposal to add in the text "be justified with a technical report detailing the reasons." It is necessary to justify in detail any change in the location of monitoring sites so as not to run into transparency problems with the public.

### **Annex III points A - C**

#### *Punto A.1 on diffuse sources*

Some clarifications would be useful to understand the decision to increase the number of points in smaller areas, also in view of the fact that the number of stations will increase anyway due to the significant reduction of assessment thresholds.

Regarding PM sampling points, in our opinion it is preferable to leave the column referring to the sum of PM to have discretion on the distribution of the number of sampling points between PM10 and PM2.5.

Question: what happens when the assessment threshold of only one of the two pollutants is exceeded?

#### Additional comments

Footnote 1 in Table 1 should be moved to the top of the table, associated to "Minimum number of sampling points if concentrations exceed the assessment threshold."

It would be useful to reintroduce in the proposal the note of the current directive specifying that if PM10 and PM2.5 are sampled at the same site, the point should be considered as duplicate.

Consider whether to combine the three initial case rows in one line since for populations between 0 and 749 thousand inhabitants it is foreseen the same number of sampling points.

### **Annex IV points B – D**

*a) Use of emission data for macroscale siting of sampling points*

We agree to the introduction of the use of local emission inventories to the information to be used for macroscale location of monitoring sites but with the indication "if available" because local data are not always available.

*b) Requirement for zones to be covered by the representative areas of sampling points*

For this requirement it is crucial to have clear indication on how to determine in harmonized way the representativeness of sampling points.

We can agree to the suggested alternative that is to use fit-for-purpose modelling applications to cover areas in zones that are not possible or reasonable to cover with sampling points.

c) *Criteria for defining spatial representativeness areas*

We reiterate the request for Technical Guidelines on this topic, which seems to be a priority.

Alternatively, this issue should be also covered by the implementing act on modelling applications mentioned in article 9.

d) *Inlet height*

We prefer to maintain the heights currently in place.

Although it is correct to define the breathing zone from 0.5 m this height, so close to the ground, may result in sampling that is not widely representative in relation to some micrometeorological parameters, diffuse sources of vehicular traffic, possible obstacles, and, in general, spatial representativeness.

Regarding the upper limit, we prefer to retain the wording introduced in Commission Directive (EU) 2015/1480 and therefore to delete the reference to 8 m.

e) *Site selection, its review and documentation*

We agree that modeling or indicative measurements are necessary for establishing networks and determining monitoring sites.

In addition, with reference to item 6 on ozone, in order to ensure homogeneity of assessments throughout Europe, a Guideline on how member states should apply appropriate selection and interpretation of monitoring data in the context of the meteorological and photochemical processes that determine detected ozone concentrations would be needed.

## **Article 10**

In general, we believe that it is useful to maintain monitoring of the additional parameters identified, with some flexibility on the determination of the sites where such monitoring should be carried out, which could be performed, therefore, even only on a selection of super-sites, to be identified on a case-by-case basis.

### In detail:

We would prefer to keep monitoring of oxidative potential at least in a selection of super-sites. We agree with the Presidency proposal on levoglucosan. Oxidative potential and levoglucosan should also be monitored, on a voluntary basis, at rural sites.

We suggest not including lead from the list of metals since concentrations are now very low virtually everywhere in Europe, or, where it is deemed appropriate to include it, provide for its monitoring on a voluntary basis.

We agree with the addition of nitric acid on a voluntary basis.

## **Article 11.1 and Annex VI**

We agree that it would be appropriate to include a reference in Article 24 to the European Commission's obligation to include the new CEN methods available in Annex VI as reference methods.

For the monitoring of the new parameters, for which no reference methods are available, a method should be recommended in order to have comparable data at European level.

Finally, it is believed that pending the adoption of a reference method for the automatic measurement of PM, there should be no mandatory requirement for the reporting of hourly PM data, considering that the reference method for PM is daily based.

Editorial changes:

- Section A of Annex VI, point 14:

Editorial error in the first line to replace the terms "*elemental carbon and organic carbon*" with " $\text{NO}_3^-$ ,  $\text{SO}_4^{2-}$ ,  $\text{Cl}^-$ ,  $\text{NH}_4^+$ ,  $\text{Na}^+$ ,  $\text{K}^+$ ,  $\text{Mg}^{2+}$ ,  $\text{Ca}^{2+}$  in PM<sub>2.5</sub>".

- Section A of Annex VI:

Additional methods could be added for new pollutants for which some EN standards already exist: for example, for UFPs (CEN/TS 16976:2016 and CEN/TS 17434 2020).

- Section B, point 1, last paragraph of Annex VI:

It seems it has not been taken in consideration the case in which the alternative PM method gives equivalent results without the need of correction.

Moreover, it's pointed out that the Commission's guidance on the demonstration of equivalence, mentioned in the following point 3, does not treat the issue related to the fact that the alternative method itself could demonstrate the equivalence, after application of different correction factors, related to the typology of sampling site or related to the seasons and, therefore if it is necessary to apply an average corrective factor or not. It is therefore necessary a new Commission's guidance on the terms of correction of data achieved by equivalent methods.

- Section B, point 4, Annex VI:

General consideration: also in this point neither the Directive, nor the guidance on the demonstration of equivalence are clarifying the criteria and the terms with which it have to or it could be applied retroactive data correction (i.e. with which correction factor, for how long in the past, if for all site typologies in which it has been used the same method of equivalence): it will be useful to clarify the criteria, based on which a retroactive data correction is applied, with respect of point 4, in order to achieve a complete data comparability (independently of the requirements to guarantee equivalence of the method, which can be only done based on relative limits of uncertainty).

- Section C, first paragraph:

Editorial comment: in the list of pollutants to be analyzed in the PM, in the brackets, insert "nickel" after cadmium.

- Section C, second and third paragraph:

Delete both paragraphs as are already included in the next section D of Annex VI.

## **Article 11.2 and Annex V**

- a) Uncertainty requirements

We suggest the following text amendments on section A of Annex V.

Table 1: we suggest to change the value of the maximum uncertainty in absolute terms for measurements in fixed sites for Benzene from " $0.75 \mu\text{g}/\text{m}^3$ " to " $0.85 \mu\text{g}/\text{m}^3$ "

Rationale: The directive provides a parallel limit for the maximum allowed uncertainty made up of two values: one - expressed in relative terms, and the other - expressed in absolute terms, prescribing that it is sufficient to respect which one, on the basis of the cases, results less stringent. For issues related to metrological

aspects for measurements below the legal limit value, the maximum uncertainty value expressed in absolute terms is less restrictive; above the legal limit, the one expressed in relative terms is less restrictive. Therefore, for each pollutant the two maximum uncertainty values reported in the Annex, expressed in absolute and relative terms, coincide for concentration values equal to the limit value, except for Benzene. The proposed change has the purpose of making coincident the relevant pair of values for Benzene uncertainty, for concentration value equals to the limit value.

Table 2: delete the row on *“ozone (peak season): uncertainty of the 8 h values”*

Rationale: we propose to remove the prescribed maximum uncertainties relating to Ozone (peak season) since this is neither prescribed nor defined in the directive itself. The relevant relative uncertainty for ozone for short and medium-term concentrations is the one shown in the next row, the value of which in absolute terms is consistent with the relevant target value.

After table 2, page 20, first paragraph, last sentence, we suggest to change the text: *“For indicative measurements, uncertainty shall be calculated according to the guidance on the demonstration of equivalence referred to in Point B of Annex VI”* in the following: *“For indicative measurements, in absence of a CEN standard method, uncertainty shall be calculated according to the guidance on the demonstration of equivalence referred to in Point B of Annex VI.”*

Rationale: some indicative measurement methods are covered by the EN standard (for example those for the measurement of NO<sub>2</sub>, NH<sub>3</sub> and benzene with passive samplers) therefore the indications of these standards can also be followed for the evaluation of the uncertainty.

b) Data coverage

- We would prefer to separate requirements in two separate tables (annual statistics and aggregating data).
- We agree to eliminate the sentence “The requirements for minimum data coverage do not include loss(es) of data due to the regular calibration or the normal maintenance of the instrumentation.”
- Non-binding requirements on “data coverage” could be included for the newly introduced parameters that currently need to be determined on a preliminary basis.
- It seems to be inconsistency between Note 3 and what it is stated in the subsequent text of the directive, on p. 23 that address the same issue. We suggest to leave the provision only in one part of the text.

In addition, we propose a text change to Note 2: replacing the sentence *“For O<sub>3</sub>, minimum data coverage requirements are to be met both for the full calendar year, and for the periods of April to September, and October to March, respectively”* with *“For O<sub>3</sub>, minimum data coverage requirements are to be met both for the full calendar year and for the period of April to September”*.

Rationale: For the nature of the pollutant, the minimum data coverage for O<sub>3</sub> should be achieved both in the calendar year and only in the summer period.

Finally, the last sentence of section B refers to total depositions: for greater clarity, add at the beginning of the sentence: *“For total deposition Member States .....”*

c) Compliance checking

It seems not clear to us whether the paragraph is to be applied for both annual and short term values; in the case of application also to short term values, how the probability of an exceedance not being determined with low data coverage is expected to be estimated? In any case, it might be useful to set a minimum data coverage, possibly related to seasonality.

## **Annex VII Section 2**

The determination of Volatile Organic Compounds is very time-consuming and, in a first analysis, we believe it is preferable to leave the possibility of evaluating, on a case-by-case basis, the list of priority compounds to be determined at different types of sites.

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