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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 4 July 2023 - comments by delegations

Following the call for comments (WK 9230/23), delegations will find attached the contributions received from the BG, FR (accompanied by a courtesy translation), IT, AT, FI and SE delegations.

WK 9723/2023 INIT

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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 04.07.2023

Document: WK 8784/2023

1. Annex I. Air Quality Standards. Proposed Level of air quality standards

A. SECTION 1 - LIMIT VALUES FOR THE PROTECTION OF HUMAN HEALTH

Table 1 – Limit values for the protection of human health to be attained by 1 January 2030

Bulgaria maintains its position on the proposed new ambient air quality limit values (Annex I, Table 1), which are significantly more stringent than the standards in the current legislation, which raises as a main issue their achievability within a realistic timeframe.

Bulgaria has raised the question to the European Commission about the setting of the annual and hourly limit values for the protection of human health for the pollutant sulphur dioxide, for which there is no recommendation in the 2021 WHO Guidelines. The explanation and rationale for the Commission's proposed approach is that the WHO does not suggest an hourly level, but a 10-minute level, and given the need to avoid unnecessary burden, the Commission has not taken such an approach, but has retained the existing approach of setting an hourly average standard. We do not find the explanation given by the Commission at the March 27, 2023 meeting to be satisfactory with regard to the proposal made for an annual average standard of 20 µg/m³. We believe that there is a need for further justification. Otherwise we are of the opinion that it should be dropped from Table 1, Section I of Annex I.

Once again, we note, based on our experience to date, that the achievement of the air quality limit values is a function of the meteorological and geographic conditions, and especially the socio-economic development of a country. We see the introduction of realistic and achievable targets as a guarantee for sustainable change. The new standards (values) proposed in Table 1, for example for fine particulate matter (PM₁₀ and PM_{2.5}), nitrogen dioxide and sulphur dioxide, are a very serious challenge for Bulgaria. The same is true with regard to the setting the current target values for heavy metals and especially for benzo(a)pyrene as standards, which is why we view this negatively. We note that the current background levels for PM₁₀ are almost half of the proposed new annual limit values. For the reasons listed above, our view is that a realistic timeframe should be set for the achievement of these targets, since 2030 in our view is definitely not. Possible solutions, in our view, are either to change the overall level of ambition (air quality standards) or to choose a realistic deadline for their achievement. Otherwise, we foresee an endless series of infringement proceedings and cases in the Court of Justice of the European Union, without measurable environmental benefits.

B. SECTION 2 - OZONE TARGET VALUES AND OZONE LONG-TERM OBJECTIVE

Bulgaria has expressed its support to maintain AOT₄₀ as the long-term objective and target value for ozone as in the current proposal.

C. SECTION 4. ALERT AND INFORMATION THRESHOLDS. ALERT THRESHOLDS VALUES

We have no additional comments on the proposed alert thresholds for pollutants other than ozone and we do not support the proposals by some countries to lower these values.

2. Proposed date of attainment + Article 18

A. Position on the proposed date of attainment of the revised air quality standards.

With regard to the proposed date for the attainment of the revised air quality standards – 1st of January, 2030 – we do not consider this as realistic. Many Member States have **serious problems in achieving the current air quality standards**, which is why the deadline for achieving the new ambitious standards should be postponed in time (indicatively 2035). Over the last few years, we have witnessed crises whose development can hardly be foreseen, and it can now be anticipated that overcoming them will require additional efforts. It should be kept in mind that the key assumptions for achieving the new air quality standards in 2030 are based **on the comprehensive legislative transformation** proposed by the European Commission. The implementation of the policies, which directly and indirectly affect air quality, will only have an impact in the coming years, which gives us reasons to believe that the 2030 targets are unachievable.

B. Postponement of attainment deadline and exemption from the obligation to apply certain limit values. Reasons for allowing postponements.

We see a need to include benzo(a)pyrene, sulphur dioxide and heavy metals among the substances for which it will be possible to postpone the deadline set in Article 18 for reaching the limit values. This is because with the proposed new limit values (and target value for benzo(a)pyrene and heavy metals changed to limit values) for these substances, there is a serious risk that the air quality standards cannot be achieved by the deadlines, taking into account the current situation.

C. Postponement of attainment deadline and exemption from the obligation to apply certain limit values. Allowing postponement more than once.

We maintain a scrutiny reservation.

3. Article 21 - Transboundary pollution

In the context of transboundary pollution, we note that as an external border of the EU, for Bulgaria, finding and establishing a clear and effective mechanism within the framework of the proposed Directive remains a priority, taking into account the current lack of real instruments to address these challenges by the MS concerned.

As we have noted before, we find much of the proposed text to be non-binding and accordingly, we expect that it will not work in practice. In particular, this relates to the drawing up of joint plans – there is no proposed mechanism for the indisputable determination of transboundary transport, nor we understand the logic by which Member States should draw up the joint plans to reduce pollution in the source MS, given that it is that MS that must invest in solving the problem. We believe that MS cannot effectively influence the enforcement of measures outside their territory. This is particularly true when it comes to neighbouring non-EU countries. We stress that in our view, the problem of cross-border transmission to Member States that are at the EU-border is being frankly ignored, with

Member States being left to deal with the problem themselves and consequently, to bear the consequences.

4. Article 16 and 17

A. Article 16. Contributions from natural sources

We support retaining the reference to guidelines/guidance for demonstrating and subtracting exceedances due to natural sources. We believe that it will be necessary to update this guidance due to the revision of the air quality legislation, also because the scope of the rules on the deduction of emissions from natural sources is being extended to cover cases of exceedances of the average exposure reduction obligation.

B. Article 17. Exceedances attributable to winter-sanding or winter salting of roads.

We support having guidance on the deduction of both PM10 and PM2.5 exceedances from winter sanding and salting of roads.

5. Articles 24-26.

A. Article 24 Scope of the Delegated acts.

In view of the position already expressed by Bulgaria on the issue of delegated acts, we support the following:

- the option mentioned in point 1, i.e. the exclusion of Annex II from the scope of delegated powers under Article 24.
- the option mentioned in point 2 to further exclude other annexes, such as Annex VIII (Information to be included in air quality plans) and/or Annex IX (Public information).

B. Art 25(2) Exercise of the delegation.

Negative scrutiny reservation – having in mind our horizontal position on the issue of delegated acts, we prefer an approach, based on the ordinary legislative procedure.

C. Article 26 Committee procedure

We support the inclusion of the proposed closing sentence.

6. Article 20

A. Art 20. Short-term action plans

B. Article 20(2) regarding measures to be considered in short-term action plans.

With regard to points A and B, we have no proposals for additional amendments to Article 20.

C. Article 20.5 Communication to the Commission of adopted short-term plans.

We maintain a scrutiny reservation.

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 04 juillet 2023.

Les autorités françaises remercient la Présidence pour les travaux menés au cours du groupe « Environnement » le 04 juillet 2023 et souhaitent transmettre les commentaires suivants.

Les autorités françaises rappellent que, si le niveau d'ambition proposé par la Commission apparaît adapté (notamment l'application des valeurs limites proposées au sein du tableau 1 de la section 1 de l'annexe I à partir du 1^{er} janvier 2030), **l'avis des autorités françaises dépend des flexibilités laissées par les dispositions portant sur la mise en œuvre. Elles rappellent ainsi que les deux points suivants constituent des éléments essentiels.**

Article 18 : Report des délais fixés pour atteindre certaines valeurs limites et exemption de l'obligation d'appliquer celles-ci

Les autorités françaises, qui **rappellent leur demande d'une gestion des reports qui soit proportionnée selon l'importance des dépassements**, proposent que le délai de report soit fixé en cohérence avec le délai établi dans le cadre de l'évaluation des mesures issue du plan sur la qualité de l'air réalisé par l'Etat membre. En effet, la définition d'un **délai générique de 5 ans pour les reports ne paraît pas adapté** pour permettre un traitement efficace des dépassements dépendant de situations locales. En établissant le délai à partir de ce travail d'analyse spécifique à la zone concernée, le report accordé sera pertinent pour améliorer la qualité de l'air.

Par ailleurs, les autorités françaises demandent que le type de situations locales pouvant faire l'objet d'un tel report soit élargi en prenant notamment en compte les **difficultés d'ordre conjoncturel (économique, sociale...) qui peuvent complexifier fortement la mise en place de mesures et ainsi nécessiter davantage de temps pour garantir une amélioration de la qualité de l'air.**

Elles rappellent ainsi leur proposition de formulation pour l'article 18 paragraphe 1 :

« Where, in a given zone, conformity with the limit values for particulate matter (PM10 and PM2.5) or nitrogen dioxide cannot be achieved by the deadline specified in Table 1 of Section 1 of Annex I, because of site-specific dispersion characteristics, orographic boundary conditions, adverse climatic conditions or transboundary contributions **or other cyclical reasons including economics, politics or social aspects**, a Member State may postpone that deadline ~~once by a maximum of 5~~ **five years for that particular zone, if the following conditions are met according to the maximum period determined by the assessment of the measures carried out as part of the air quality plan to be drawn up by the Member State.** This plan must meet the following conditions: (...) »

Annexe I section 5 : Obligation de réduction de l'exposition moyenne pour les PM2,5 et le NO2

Les autorités françaises, qui ont souligné l'importance de conserver une cible et non une obligation pour la réduction d'exposition moyenne afin de permettre une meilleure priorisation des efforts qui seront à réaliser par les Etats membres au regard de l'ambition portée par la proposition, souhaitent préciser leur demande d'approche par paliers sur cet objectif :

Exemple pour NO2 :

Réduction de l'exposition moyenne par rapport à l'indicateur d'exposition moyenne d'il y a 10 ans		Année d'application
Concentration initiale en µg/m3	Réduction en pourcentage	2040
<10 ou = 10	0%	
>10 - = 15	5%	
> 15 - = 20	10%	
> 20	15%	

Exemple pour PM2,5

Réduction de l'exposition moyenne par rapport à l'indicateur d'exposition moyenne d'il y a 10 ans		Année d'application
Concentration initiale en µg/m3	Réduction en pourcentage	2040
< 5 ou = 5	0%	
> 5 - = 10	5%	
>10 - = 15	10%	
> 15	15%	

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 4 July 2023

The French authorities thank the Presidency for the work carried out during the « Environnement » group meeting on 4 July 2023.

Article 18 : postponement of attained deadline and exemption from the obligation to apply certain limit values

French authorities, **which reiterate their request for the management of postponements to be proportionate regarding the extent of the exceedances**, propose that the postponement period be set in line with the **period established as part of the assessment of the measures resulting from the air quality plan drawn up by the Member State**. Indeed, the definition of a generic 5 years duration regarding all postponement does not appear to be suitable for dealing with exceedances depending on local situations. By establishing the timeframe on the basis of a specific analysis of the zone concerned, the postponement granted will be relevant in order to improve air quality.

In addition, French authorities ask for **a largest scope of local situations that could be the subject of postponement**, in particular by taking into account **economic and social difficulties**, which can make the implementation of measures very complex and thus require more time to guarantee an improvement in air quality.

They therefore recall the following wording for Article 18(1) :

« Where, in a given zone, conformity with the limit values for particulate matter (PM10 and PM2.5) or nitrogen dioxide cannot be achieved by the deadline specified in Table 1 of Section 1 of Annex I, because of site-specific dispersion characteristics, orographic boundary conditions, adverse climatic conditions or transboundary contributions **or other cyclical reasons including economics or social aspects**, a Member State may postpone that deadline ~~once by a maximum of 5~~ **five years for that particular zone, if the following conditions are met according to the maximum period determined by the assessment of the measures carried out as part of the air quality plan to be drawn up by the Member State**. This plan must meet the following conditions: (...) »

Annexe I section 5 : average exposure reduction

French authorities stressed the importance to retain a target rather than an obligation for the average exposure reduction in order to allow better prioritisation to Member States regarding the ambition of the proposal. They also wish to clarify their request for a staged approach regarding this objective :

NO2 :

Reduction average exposure taking into account IEM 10 years before		Year of implementation
Concentration µg/m3	Percentage of reduction	2040
<10 ou = 10	0%	
>10 - = 15	5%	
> 15 - = 20	10%	
> 20	15%	

PM2.5

Reduction average exposure taking into account IEM 10 years before		Year of implementation
Concentration (µg/m3)	Percentage of reduction	2040
< 5 ou = 5	0%	
> 5 - = 10	5%	
>10 - = 15	10%	
> 15	15%	

ITALY

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

WPE 4 July 2023 Follow-up – Presidency steering note WK 8784/2023 INIT

Italian comments on Annex I – Articles 18, 21, 16 e 17, 24-26, 20

1. Annex I. Air Quality Standards. Proposed Level of air quality standards

The discussion at national level on the proposed level of ambition for the new air quality standards is still ongoing, therefore we still have a scrutiny reservation on this issue.

From a general point of view it is possible to say that, according to the national air quality scenarios, it will not be possible to reach the proposed standards in 2030 in many areas of the Country. Therefore further technical discussion with the Commission on the detailed data and information used to define the 2030 air quality scenarios would be helpful to determine the optimal timeframe.

With reference to the limit values set for heavy metals and benzo(a)pyrene, we would prefer them entering into force in the same date of the new limit values set in Table 1 of Annex 1. For these pollutants target values should be applied for the time being.

2. Proposed date of attainment + Article 18

A. Position on the proposed date of attainment of the revised air quality standards.

In view of the possible date of entry into force of the directive and the time required for member states to transpose it into their national laws, the date of January 1, 2030 is considered to be an unrealistic date for achieving the new standards.

Therefore, it is proposed that the entry into force of the limit values be postponed so as to allow time for the adaptation of legislation, the adoption and implementation of new remediation strategies, and the consequent reduction of concentrations, which generally becomes visible only after a few years.

B. Postponement of attainment deadline and exemption from the obligation to apply certain limit values. Reasons for allowing postponements.

We support the text of the article as it is in the Commission's proposal.

C. Postponement of attainment deadline and exemption from the obligation to apply certain limit values. Allowing postponement more than once.

Article 18 introduces some exemptions from the obligation to apply certain limit values for specific conditions which are determined by the natural characteristics of the zones; in such cases, it is not possible to obtain a significant reduction of air pollutants concentrations even reducing a lot the levels of air emissions.

In these cases, if limit values are not reached after the 5 years exemption, a technical investigation should be carried out to identify the reasons for such non-compliance and the permanence of the characteristics for which the first derogation was allowed.

If the investigation verifies the permanence of the conditions and the impossibility of bringing pollutant concentrations below the limit value despite the deployment of all possible actions, the granting of an additional 5-year derogation could be allowed.

3. Transboundary pollution

We do not have comments on this article.

4. Article 16 and 17

A. Article 16. Contributions from natural sources

We support the call for an update of the current Guidelines for determining the contribution of natural sources to atmospheric particulate matter levels.

We would prefer an implementing act for such a document.

B. Article 17, exceedances attributable to winter-sanding or winter salting of roads.

We do not have comments on this article.

5. Articles 24-26

A. Article 24 Scope of the Delegated acts.

Scrutiny reservation on this article. We can express at this point a preference for options 1 and 2, i.e., exclusion from delegated acts of Annexes II, VIII, IX to which Annex V on Data Quality Objectives could possibly be added.

B. Art 25(2) Exercise of the delegation.

Scrutiny reservation on this article.

C. Article 26 Committee procedure

We support the integration of the text of Article 26 as proposed by the Presidency.

6. Article 20

A. Art 20. Short-term action plans

We believe that the explanations are sufficient, and no changes are needed.

B. Article 20(2) regarding measures to be considered in short-term action plan

Notwithstanding the uncertainty that remains over the interpretation of subsection 1 and subsection 2 (subsection 1 seems to refer only to the risk of exceeding the assessment thresholds while subsection 2 speaks of the risk of exceeding all parameters including the limit values), it is deemed necessary to introduce the reference to the agriculture sector and the shipping sector (separating it from the transportation sector) into the text of subsection 2.

C. Article 20.5 Communication to the Commission of adopted short-term plans

We would prefer the transmission of the action plan as it is after 2 months without adding a new reporting obligation, such as the introduction of a new dataset on article 20.

AUSTRIA

COMMENTS: Air Quality Directive (WK 9230/2023)

AT thanks ES-Presidency for the well-prepared steering note to guide the discussions and the efforts undertaken to advance the discussions on the EC's proposal for the recast of the Air Quality Directives. As a follow-up, to the last WPE meeting on 4 July, we would like to submit the following comments:

Annex I – Air Quality Standards

AT welcomes and supports the proposed standards in principle, but we are also aware of the big discrepancies in concentration levels of air pollution in the MS. Hence, we see a need to find possibilities to maintain the general level of ambition, while also looking for possibilities to cope with different circumstances in the MS.

Consequently, we are convinced that it is essential to set corresponding ambitious regulations and standards for relevant air pollution sources at Union level. The impact assessment has shown that source regulation at Union level will be crucial for the compliance with the proposed new limit values.

Therefore, AT still considers it necessary to anchor the joint responsibility of the MS and the EU in the Directive and we would like to refer to our new proposal for a Joint Responsibility Clause in Art 1 (4) (see written comments WK 8640/23), which emphasizes the programmatic character of the provision.

Regarding ozone, we point out that compliance with the proposed target values from 2030 onwards will not be possible for smaller countries (like AT), since supra-regional influences and factors clearly dominate the concentration levels.

Article 18 - Time Extension

As stated before, AT is in favour to maintain the general ambition level of the proposed air quality standards in Annex I. Therefore, we would like to encourage MS to work further on flexibility mechanisms in this Directive – especially in Art 18. We do believe that this Article could be a key provision for a successful conclusion of the negotiations before the elections of the European Parliament take place in 2024. For instance, the possibility of a prolonged/second time extension - which could be applied under certain/specific circumstances - could be discussed.

In this context, AT reiterates that the conditions for a possible extension of the deadline should be sufficiently precise and well defined to ensure that the extension of the deadline cannot become a simple excuse for not taking proper action.

We also suggest the inclusion of B(a)P to the list of pollutants with a view to small-scale heating devices and climate policies.

Article 21 - Transboundary pollution

Cross-border transport of air pollutants is an important issue, since for some regions within the EU transboundary pollution is key for compliance with the proposed limit values and ozone target values.

In general, we welcome the foreseen cooperation and the joint meetings between the affected MS; but we critically question the added-benefit of the required joint or coordinated air quality plans. We fear that, in practice, this obligation would not be sufficient or helpful to solve the underlying problem of transboundary pollution, while also leading to disproportionate administrative burden.

Article 16 and 17 – Contributions from natural sources and exceedances attributable to winter sanding or winter salting of roads

AT would welcome a reference to guidelines for contributions from natural sources and exceedances attributable to winter sanding or winter salting of roads in the new Air Quality Directive. In addition, there should be a clear call to the EC to update the two existing guidelines, which are already more than ten years old.

Article 24-25 – Delegated acts

Regarding the options in the Presidency's steering note, we are in favour of option 2 (to exclude Annex II plus additionally excluding other annexes such as Annex VIII (Information to be included in air quality plans for improvement in ambient air quality) and/or Annex IX (Public information)).

AT has requested that the Council Legal Service examines the scope of delegation and provides its opinion. In last WPE on 4 July, the Council Legal Service stated that Art. 290 TFEU constitutes that the objectives, content, scope and duration of the delegation of power shall be explicitly defined in the legislative acts. Since this is only reflected to a limited extent in the proposal of the EC, we strongly welcome that this concern was taken up in the Presidency's steering note.

We think that our proposal on Art 25 reflects the necessary specifications of Art. 290 TFEU in a comprehensive way (resubmission):

"1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

*2. The power to adopt delegated acts referred to in Article 24 shall be conferred on the Commission for ~~an indeterminate period of time from ... [date of entry into force of this Directive]~~ **a period of five years from [insert appropriate date]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

3. The delegation of power referred to in Article 24 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the

publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 24 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **2 two** months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.”

Finally, regarding the Committee procedure in Art 26, we support adding the following closing sentence (in line with Art 17 of the NECD):

“Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.”

Article 20 – Short-term Measures

In this context, AT notes again that in our experience short-term measures are usually not very effective, but require relatively high (i.e. administrative) efforts. Regarding the obligation in Art 20 (1) to draw up short-time action plans we can therefore support the FR proposal from the WPE on 4 July to replace the word "shall" with "may".

AT further wishes to take the opportunity to reiterate that it is still not clear what constitutes that “*there is a risk that the levels of pollutants will exceed one or more of the alert thresholds*”. In addition, it is also not clear what constitutes that 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*” regarding ozone. Hence, we ask for a timely clarification in a guidance document.

Regarding the obligation in para 5 to analyse the risk of exceeding alert thresholds, we note again that exceedances may have many possible causes (i.e. for particulate matter). The obligation assumes that it is possible to assess ex-ante the emitters that will potentially contribute to an exceedance, which in fact is difficult and subject to many uncertainties (i.e. in zones that have not yet been affected by exceedances and where no precise source analysis might be available).

FINLAND

AQD / comments on WPE meeting 4.7.2023

INTERVENTION ROUND 1. Annex I. Air Quality Standards. Proposed Level of air quality standards

Regarding Annex I, FI welcomes the new limit and target values, objectives and thresholds. We see that the proposed air quality standards and their entry into force as of 2030 constitute an appropriate and needed level of ambition for addressing ambient air pollution. We support majority of them, but would like to remind on our two previous comments:

- Could the number of exceedances for 1 hour limit value for Sulphur dioxide (SO₂) be loosen to allow some hourly exceedances, to align Sulphur dioxide limit values closer to WHO guidelines that allow 3 to 4 exceedances of the guideline values? A rare malfunctioning situation at an industry location might cause high levels, and one hour may not be enough time to fix the situation. This also takes into account that the sulphur concentrations are generally very low around Europe, and one vs. three/four annual high values above the hourly limit value do not present much of a different risk to the public. A concrete proposal:

Sulphur dioxide (SO ₂)		
1 hour	350 µg/m ³	not to be exceeded more than once 3 (or 4) times per calendar year

- Perhaps the target values for metals and benzo(a)pyrene should be maintained until 2030. This would mean that they should be deleted from Table 1 of the Annex 1.

INTERVENTION ROUND 2. Proposed date of attainment + Article 18

A. Position on the proposed date of attainment of the revised air quality standards.

- FI supports the proposed date of attainment 1 January 2030.

B. Postponement of attainment deadline and exemption from the obligation to apply certain limit values. Reasons for allowing postponements.

- FI thinks that benzo(a)pyrene should be included in the scope of Article 18 and that the criteria for the postponement should be modified accordingly, for example by adding "adverse weather conditons" or something similar to this, to the list of criteria. This would be justified from our perspective, as the majority of benzo(a)pyrene emissions in Finland originate from small-scale burning of wood in old fireplaces during the cold winters we have. Reducing these emissions through rapid measures is challenging, among other things because of the slowness of the renewal rate of the old fireplaces.

Concrete proposal on Article 18.1 (which we have already sent with our previous comments):

Article 18~~22~~

Postponement of attainment ~~⇒ deadline~~ and exemption from the obligation to apply certain limit values

1. Where, in a given zone ~~or agglomeration~~, conformity with the limit values for ~~particulate matter (PM₁₀ and PM_{2.5}), ~~or~~ nitrogen dioxide or benzo(a)pyrene ~~or benzene~~ cannot be achieved by the ~~the~~ deadline ~~deadlines~~ specified in Table 1 of Section 1 of Annex IX, ~~⇒ because of site-specific dispersion characteristics, orographic boundary conditions, adverse climatic~~ or weather conditions or transboundary contributions, ~~⇐ a Member State may postpone those deadlines -~~ ~~⇒ that deadline once~~ ~~⇐ by a maximum of~~ 5 ~~five~~ years for that particular zone ~~or agglomeration, on condition~~ ~~⇐~~ if the following conditions are met: ~~⇐~~~~

.....

C. Postponement of attainment deadline and exemption from the obligation to apply certain limit values. Allowing postponement more than once.

- FI supports the COM proposal which means that postponement would be allowed only once (as in the current AQD).

INTERVENTION ROUND 3. Transboundary pollution

- Regarding Article 21 we reiterate our comment, that there is a need to clarify what kind of measures the joint plans should and could actually include? Should they include for example stricter emission restrictions than what is required according to the EU- legislation? As we have already pointed out, there is also a need for clarification, on what is the legal nature of these joint plans – are they international agreements between member states in question? There is also a clear need for clarification on the process on how to prepare and how to adopt the joint plans.

INTERVENTION ROUND 4. Article 16 and 17

A. Article 16. Contributions from natural sources

- Regarding Article 16, FI prefers guidelines as in the current AQD, but we can be flexible.

B. Article 17, exceedances attributable to winter-sanding or winter salting of roads.

- Regarding Article 17, FI does not have special needs for guidance to harmonize how deduction of PM10 should be done, but we acknowledge they could be useful.

INTERVENTION ROUND 5. Articles 24-26.

A. Article 24 Scope of the Delegated acts.

- Regarding Article 24, FI supports the alternative 3, which is to maintain the COM proposal.

B. Art 25(2) Exercise of the delegation.

- Regarding Article 25(2) FI supports the alternative 3, which is to maintain the COM proposal, but can also support alternative 1 which is to specify the duration of the delegated power.

C. Article 26 Committee procedure

- Regarding Article 26, FI thinks that the suggested addition is not necessary and support the COM proposal.

INTERVENTION ROUND 6. Article 20

A. Art 20. Short-term action plans

- FI considers the explanation on the relation between short term action plans and air quality plans to be sufficient.

B. Article 20(2) regarding measures to be considered in short-term action plans.

- FI thinks, that perhaps it might be a good idea to consider some flexibility instead of including new specific references in Article 20.2. Here is a concrete proposal on this:

2. ~~When drawing up the~~ ~~the~~ short-term action plans referred to in paragraph 1 ~~Member States~~ may, depending on the individual case, provide for effective measures to control and, where necessary, temporarily suspend activities which contribute to the risk of the respective limit values or target values or alert threshold being exceeded. ~~Those~~ Depending on the share of the main pollution sources to the exceedances to be addressed, those short-term action plans shall consider including ~~may include~~ at least measures in relation to transport ~~motor vehicle traffic~~, construction works, ships at berth, and the use of industrial installations ~~plants or~~ and the use of products and domestic heating. Specific actions aiming at the protection of sensitive population and vulnerable groups, including children, shall ~~may~~ also be considered in the framework of those plans.

C. Article 20.5 Communication to the Commission of adopted short-term plans.

- Regarding Article 20.5, FI supports the COM proposal, which is to report the short-term action plans to the Commission within 2 months after their adoption.

SWEDEN

Following the WPE on the 4th July Sweden would like to make the following comments in addition to what was stated during the meeting

Annex I. Air Quality Standards. Proposed Level of air quality standards

Level of ambition

Sweden supports the level of ambition regarding the proposed limit values. For some pollutants, e.g. benzo(a)pyrene and PM_{2.5}, the level of ambition could be even higher than proposed by the commission. The reason go further on these pollutants is the fact that PM_{2.5} is the most important pollutant when assessing health effects and the proposed limit value of benzo(a)pyrene is far from the WHO guidelines, is at the same level as the current target value which should have been attained by 2012, and is associated with much higher health risks compared to proposed limit values of other pollutants such as heavy metals.

SO₂ annual mean limit value

As far as we understand from our health experts, there is no evidence of long-term health effects from exposure to SO₂, which is why the WHO have only established guideline values for short-term exposure to SO₂. Sweden questions, therefore, why it is necessary to introduce an annual mean limit value for SO₂ for the protection of human health. The annual mean value for SO₂ should only be in the form of the critical level for the protection of vegetation.

If we understood the Commission's response correctly, the annual mean limit value for SO₂ was added in order to deal with exceedances of the critical levels for the protection of vegetation in the same way as the limit values for the protection of human health. In order to avoid confusion, Sweden is of the opinion that it would be better to remove the proposed limit value from the table. If critical levels are exceeded, they could be dealt with in the same way as the limit values by adding appropriate provisions into, for example, Article 19 on air quality plans.

Proposed date of attainment of the revised air quality standards

Sweden supports the Commission's proposal that the limit and target values should enter into force in 2030. As shown by the impact assessment, the vast majority of the EU should meet the proposed values before 2030. In those regions where exemptions are needed, flexibilities are provided through Article 18, which means that there is no need for delaying the date for entry into force of the standards for the entire EU.

Postponement of attainment deadline and exemption from the obligation to apply certain limit values - Reasons for allowing postponements.

Sweden recognises the need for flexibilities in certain regions due to region-specific conditions. It is important that the conditions considered in Article 18 are, as proposed by

the Commission, not connected to emissions sources within the country. Sweden supports that the conditions in Article 18 are limited to issues for which a Member State does not have the potential to address themselves.

Postponement of attainment deadline and exemption from the obligation to apply certain limit values - Allowing postponement more than once.

Sweden does not support the idea of more than one postponement and thus supports the proposal by the Commission.
