



Brussels, **XXX**
[...] (2012) **XXX**

COMMISSION DECISION

of **XXX**

**on the notification by the French Republic of a postponement of the deadline for
attaining the limit values for NO₂ in 24 air quality zones**

(Only the French text is authentic)

COMMISSION DECISION

of 22.2.2013

on the notification by the French Republic of a postponement of the deadline for attaining the limit values for NO₂ in 24 air quality zones

(Only the French text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe¹, and in particular Article 22(4) thereof,

Whereas:

- (1) The air quality limit values for NO₂ have been legally binding since 1 January 2010 in accordance with Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air².
- (2) In accordance with Article 22(1) of Directive 2008/50/EC, a Member State may postpone the deadline until 2015 at the latest, by which conformity with the limit values for NO₂ shall be achieved, if the Member State demonstrates that conformity with the limit values cannot be achieved by 1 January 2010 and an air quality plan is established that demonstrates that such compliance will be achieved before the expiry of the new deadline.
- (3) The French Republic ("France") submitted to the Commission by letter registered on 12 March 2012 a notification of a postponement under Article 22(1) of Directive 2008/50/EC of the deadline for attaining the annual limit value for NO₂ in 24 air quality zones ("zones") and the hourly limit value for NO₂ for 3 of those zones (zones 2, 4 and 15).³
- (4) However, by letter, dated 24 April 2012,⁴ the Commission informed France that the notification was incomplete and invited it to provide, by 24 July 2012 at the latest, the missing information. The Commission stressed, in particular, that all or parts of the

¹ OJ L 152, 11.6.2008, p.1.

² OJ L 163, 29.6.1999, p.41.

³ The notification by the French Republic (réf.: CAD/565/SL-ITEC/0064/2012), dated 7 March 2012, was registered on 12 March 2012 by the European Commission under the following registration number: ARES(2012)287084.

⁴ The letter of the European Commission has been registered under the following registration number: ARES(2012)504703.

documents, plans and reports (e.g. the Air Protection Plan of the Agglomeration of Bordeaux) referred to by French authorities as key instruments for each of the 24 zones were not accessible as the internet links communicated by France did not work, that air quality plans were missing for 5 zones (zones 10, 14, 16, 19 and 24), that maps of exceedances had not been provided for 2 zones (zones 1 and 19) and that the share of each emitting sub-sector (e.g. industry, residential) to the regional pollution background was not indicated for any of the 24 zones.

- (5) In addition, the Commission emphasised that its inability to assess whether conformity with the annual limit value for NO₂ could have been met by 1 January 2010 was due, *inter alia*, to the lack of projections for the concentration levels in 2010 and of more specific information on the implementation of the abatement measures and their impact. Also, the Commission underlined that it had been unable to fully assess whether compliance with the annual limit value for NO₂ could be achieved by 1 January 2015 as the notification did not provide any quantitative information on the impacts of the proposed abatement action.
- (6) The French Republic submitted to the Commission additional information by letter registered on 21 June 2012.⁵ Accordingly, the period for the Commission's assessment of the notification starts from the day following the date of official receipt of that information, i.e. 22 June 2012.
- (7) The notification has been assessed in accordance with the guidance set out in the Commission Communication on notifications of postponements of attainment deadlines and exemptions from the obligation to apply certain limit values pursuant to Article 22 of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁶, ("the Communication") and with the Commission Staff Working Paper concerning guidance on preparing a notification of a postponement of the deadline for attaining the limit values for NO₂ under Directive 2008/50/EC⁷. The notification was submitted using the forms set out in the Staff Working Paper⁸ that accompanied the Communication.
- (8) The French authorities have provided in the notification data for the year 2010 to be used as reference year and as basis for the assessment of the postponement of the attainment deadline for the NO₂ limit values in the 24 zones. The Commission finds that since the notification was submitted after the initial deadline for attainment, 2010 should be used as reference year.
- (9) The notification by the French Republic was accompanied by air quality plans applicable to 20 zones and which fulfil most of the requirements set out in Section A of Annex XV to Directive 2008/50/EC (zones 1-9, 11-13, 15-18, 20-23). The French authorities have indicated that all those plans are being subject to a revision, save the newly adopted one applicable to zone 16. However, in the absence of the communication of revised air quality plans, the Commission has relied upon those

⁵ The letter of the French Republic (réf.: CAD/1524/CBJ-ITEC/566/2012), dated 19 June 2012, was registered on 21 June 2012 by the European Commission under the following registration number: ARES(2012)747003.

⁶ COM(2008)403

⁷ SEC(2011)300

⁸ SEC(2008)2132

submitted by the French authorities by letter, dated 19 June 2012 together with accompanying additional information. Regarding zones 10, 14, 19 and 24, no air quality plans have yet been enacted. In its letter, dated 19 June 2012, France has specified that exceedances in those zones occur for the first time in 2010 and that the four missing plans are elaborated with a view of being finalised and endorsed in 2013. The Commission therefore considers that the French authorities have not provided all relevant information necessary to assess the notification as far as zones 10, 14, 19 and 24 are concerned. However, on the basis of the information transmitted, the Commission has still been able to carry out a partial assessment of whether the conditions are also met for those four zones.

- (10) In order to assess whether the conditions for the NO₂ postponement are satisfied, it is necessary to identify the main sources of pollution contributing to the observed concentrations. That source apportionment should be precise enough to allow an understanding of which measures should be taken to address the main sources of pollution.
- (11) The Commission finds that the source apportionment provided by the French authorities for all notified zones is complete for all scales. The French authorities have identified road traffic as the main source contributing to the high NO₂ concentration levels at the local and urban levels in all zones. The assessment of the Commission confirms that the identification and quantification of the contributions from the major sources, including traffic and heat and power generation, provided by the French authorities gives a relevant and reasonable basis for the assessment.
- (12) In order to assess if conformity with the limit values for NO₂ could not have been achieved by 1 January 2010, it is necessary to consider when an exceedance triggering abatement action pursuant to Directive 1999/30/EC first occurred in all zones and whether relevant measures have been taken in relation to the identified sources.
- (13) According to the information submitted by the French authorities, exceedances of the NO₂ annual limit value together with its margin of tolerance triggering an obligation to take abatement action, including the elaboration and the enacting of an air quality plan, were recorded for the first time in 2001 in zones 2, 4, 11, 15, 17 and 18, in 2002 in zones 6, 7, 12 and 16, in 2004 in zone 3, in 2006 in zone 19, in 2007 in zones 9 and 20, in 2008 in zones 13 and 21, in 2009 in zones 1, 14, 22, 23 and 24 and in 2010 in zones 5, 8, 10. As to the applicable hourly limit value for NO₂, it has been exceeded together with its margin of tolerance for the first time in 2001 in zone 2 and 4 and in 2006 in zone 15. Apart from zones 10, 14, 19 and 24 for which air quality plans are in preparation, such a plan was established for zone 20 within two years of the first exceedance of the relevant NO₂ limit value plus its margin of tolerance. Regarding zones 2, 3, 4, 6, 7, 11, 12, 15, 16, 17 and 18, air quality plans were set out and reported more than two years after the first exceedance of the limit value plus margin of tolerance. As to zones 1, 5, 8, 9, 13, 21, 22 and 23, plans were enacted and implemented before the first exceedance of the applicable NO₂ limit value plus its margin of tolerance was observed. In all the zones, a number of measures, mainly addressing emissions from traffic at local, regional or urban level (e.g. parking policy, traffic management, speed limit, promotion of public transport) were taken.
- (14) The French authorities have stated that compliance with the NO₂ limit values by the initial deadline of 1 January 2010 could not be achieved in the zones listed in the

Annex mainly because of the increase of primary NO₂ emissions from diesel vehicles and the fact that the NO_x vehicle emissions did not decrease as planned and expected in line with the relevant literature.

- (15) On the basis of the information provided by the French Republic, the Commission finds therefore that it was likely that, despite the abatement actions taken by the French authorities, conformity with the respective limit value for NO₂ could not be achieved by 1 January 2010 in any of the notified zones.
- (16) In order to assess if compliance with the hourly or annual limit value for NO₂ can be achieved by the new deadline, it is necessary to consider the concentration levels estimated at that date by the Member State, and the estimated impact of additional measures proposed to ensure compliance in the air quality plan accompanying the notification.
- (17) The Commission notes that the French authorities have requested the maximum permitted postponement for compliance with the limit values for NO₂ in all notified zones, i.e. until 1 January 2015. Given the impacts on public health, the duration of any postponement must be restricted to what is absolutely necessary. An assessment should therefore be made of whether compliance can be achieved earlier than the deadline proposed in the notification.
- (18) In order to assess whether the projected compliance by the 2015 deadline is realistic, the Commission requires precise and detailed evidence on the scale and impact of the abatement action planned including a clear implementation timetable for that action.
- (19) In respect of zones 1-7, 9, 11, 13, 15, 16, 20, 22 and 23, French authorities have not stated that NO₂ concentrations in ambient air will be compliant on 1 January 2015 with applicable limit values. Rather, they have simply reported that such concentrations will have diminished by that date. In this context and given that France has not provided neither in its notification nor in its air quality plans any numerical emission projections for 2015, the Commission is of the opinion that the French authorities do not expect to comply with the annual and hourly NO₂ limit values by 1 January 2015.
- (20) Regarding zones 8, 12, 17, 18, 19 and 21, French authorities have declared that NO₂ concentrations in ambient air will be complied with by 1 January 2015. However, the Commission notes that the notifications and/or the air quality plans for those six zones do not contain any numerical emission projections for 2015. Accordingly, the Commission is of the opinion that France has not submitted enough information to demonstrate with sufficient evidence that compliance with the limit values for NO₂ would be met at the latest in 2015. Additionally, the Commission highlights that the French authorities have reported that no air quality plan has yet been elaborated and enacted for zone 19 despite the fact that the first exceedance of the annual NO₂ limit value was observed in 2006 and that Article 23(1)(3) of Directive 2008/50/EC requires that such a plan is submitted to the Commission within two years following the first exceedance.
- (21) Concerning zones 10, 14 and 24, the first exceedance of the annual limit value for NO₂ plus the margin of tolerance occurred in the year before (2009) or in the year of the initial attainment deadline (2010). For those zones, while air quality plans are being

elaborated, the Commission notices that the notification does not contain any numerical emission projections for 2015. The Commission is therefore unable to assess whether compliance with the applicable annual limit value for NO₂ would be met by 1 January 2015 at the latest.

- (22) As regards the implementation by the French authorities of the legislation listed in Part 2 of Section B in Annex XV to Directive 2008/50/EC, the Commission notes that the French authorities have provided the required information for all the zones.
- (23) The Commission is satisfied that the French authorities have taken into consideration all measures listed in Part 3 of Section B in Annex XV to Directive 2008/50/EC.
- (24) Against that background, the Commission finds that objections should be raised to the postponement of the deadline for attaining the annual limit value for NO₂ until 1 January 2015 in zones 1-24 and the hourly limit value for NO₂ until 1 January 2015 in zones 2, 4 and 15 on the ground that the French authorities have not provided any emission projections for 2015, which would demonstrate that compliance with the applicable limit values will be met by 1 January 2015 at the latest.

HAS ADOPTED THIS DECISION:

Article 1

1. Objections are raised to the notification by the French Republic of the postponement of the deadline for attaining the hourly limit value for NO₂ set out in Annex XI to Directive 2008/50/EC in zones 2, 4 and 15 as specified in the Annex to this Decision on the grounds that the French authorities do not foresee compliance by 1 January 2015 and that the notifications and air quality plans for those zones do not provide any emission projections for 2015 that would demonstrate that compliance would be achieved by 1 January 2015 at the latest.
2. Objections are raised to the notification by the French Republic of the postponement of the deadline for attaining the annual limit value for NO₂ set out in Annex XI to Directive 2008/50/EC in zones 1 to 24 as specified in the Annex to this Decision on the grounds that the French authorities do not foresee compliance by 1 January 2015 (zones 1-7, 9, 11, 13, 15, 16, 20, 22 and 23) or foresee compliance by that date (zones 8, 12, 17-19 and 21) but without demonstrating that this will indeed be the case. In addition, the notifications and, when available, the air quality plans, for those 24 zones, including zones 10, 14 and 24, do not provide any emission projections for 2015 that would provide evidence that compliance would be achieved by 1 January 2015 at the latest.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels,

For the Commission
Janez Potočnik
Member of the Commission

ANNEX

Zones and agglomerations covered by the notification in accordance with the delimitations applicable in the annual air quality report for the reference year 2010

| Zone number | Zone code | Zone name | Hourly and/or annual limit value notified |
|--------------------|------------------|--|--|
| 1 | FR03A01 | Avignon | a |
| 2 | FR03A02 | Marseille – Aix-en-Provence | h/a |
| 3 | FR03A03 | Toulon | a |
| 4 | FR04A01 | Paris | h/a |
| 5 | FR05N30 | Haute-Normandie – Zone industrielle Le Havre | a |
| 6 | FR07A01 | Clermont-Ferrand | a |
| 7 | FR08A01 | Montpellier | a |
| 8 | FR11A01 | Lille | a |
| 9 | FR12A01 | Toulouse | a |
| 10 | FR14N10 | Champagne-Ardenne – Zone urbaine régionale Reims | a |
| 11 | FR15A01 | Grenoble | a |
| 12 | FR16A02 | Strasbourg | a |
| 13 | FR19A01 | Rennes | a |
| 14 | FR19N10 | Bretagne – Zone urbaine Régionale Brest | a |
| 15 | FR20A01 | Lyon | h/a |
| 16 | FR20N10 | Rhône-Alpes - Zone urbaine régionale | a |
| 17 | FR24A01 | Nice | a |
| 18 | FR25A01 | Rouen | a |
| 19 | FR26N10 | Bourgogne - Zone urbaine Régionale Dijon Châlon-sur-Saône | a |

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| 20 | FR29A01 | Saint-Etienne | a |
| 21 | FR31A01 | Bordeaux | a |
| 22 | FR34A01 | Orléans | a |
| 23 | FR34A02 | Tours | a |
| 24 | FR35N10 | Limousin - Zone urbaine régionale Limoges | a |