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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,  
C(2009) XXX final

Draft

**COMMISSION DECISION**

**of [...]**

**on the notification by Greece of an exemption from the obligation to apply the limit  
values for PM10**

**(Only the Greek text is authentic)**

Draft

## COMMISSION DECISION

of [...]

**on the notification by Greece of an exemption from the obligation to apply the limit values for PM<sub>10</sub>**

**(Only the Greek text is authentic)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 Europe<sup>1</sup>, and in particular Article 22(4) thereof,

Whereas:

- (1) Greece notified the Commission by letter registered on 12 November 2008 of an exemption under Article 22(2) of Directive 2008/50/EC from the obligation to apply the daily and annual limit values for PM<sub>10</sub>, ("the PM<sub>10</sub> exemption"), in the air quality zones listed in the Annex to this Decision. The air quality limit values for PM<sub>10</sub> have been legally binding since 1 January 2005 in accordance with Directive 1999/30/EC of the European Parliament and of the Council of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air<sup>2</sup>.
- (2) In accordance with Article 22(2) of Directive 2008/50/EC a Member State may be exempt from obligations to apply the limit values for PM<sub>10</sub> if all appropriate abatement measures have been taken at national, regional and local level to achieve compliance by the deadlines in Directive 1999/30/EC, the principal cause of the exceedence can be attributed to site-specific dispersion characteristics, adverse climatic conditions or transboundary contributions, and that an air quality plan is established demonstrating that conformity with the limit values will be achieved before the new deadline.
- (3) 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 Europe

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<sup>1</sup> OJ L 152, 11.6.2008, p. 1.

<sup>2</sup> OJ L 163, 29.6.1999, p.41.

("the Communication")<sup>3</sup>. The notification was submitted using the forms set out in the Staff Working Paper<sup>4</sup> that accompanied the Communication.

- (4) The Commission identified certain relevant information as missing from the original notification, and requested the Greek authorities by letter dated 3 February 2009 to complete the notification. The Greek authorities submitted additional information by letter dated 24 February 2009.
- (5) The Greek notification was accompanied by air quality plans for all the zones concerned. The assessment confirms that the requirements provided for in Section A of Annex XV to Directive 2008/50/EC are fulfilled by all those plans.
- (6) The Greek authorities have provided data for the year 2007 to be used as reference year and basis for the assessment. A comparison of the air quality data reported to the Commission by the Greek authorities for the years 2005, 2006 and 2007 show that concentration levels were quite stable in those years. The Commission therefore finds that the reference year is representative of the air quality situation in 2005 and can be used as a basis for the assessment.
- (7) In order to assess whether the conditions for the PM<sub>10</sub> exemption 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.
- (8) The source apportionment provided in the notification indicates that road traffic is a dominant source in all zones, and that, additionally, natural contributions are an important factor. The assessment of the Commission indicates however that the source apportionment does not describe with sufficient detail the different origins of the pollution as it is not clear how the split between the contributions from the regional background, the urban background and the local PM<sub>10</sub> component relate to each other. The Greek authorities have not clarified this further in their response to the request for additional information. The Commission considers therefore that the source apportionment is not sufficient to enable a full assessment of whether appropriate abatement action has been and will be taken.
- (9) The Greek authorities have claimed that in all zones the principal cause of the exceedances can be attributed to adverse climatic conditions. The Greek authorities have demonstrated that concentration levels above the daily limit value occur to a large extent on days when the low wind-speed criteria indicated by the Commission in the Communication are met. In addition, the topography of those zones is typically such that would indicate a tendency for adverse climatic conditions to be present in accordance with the criteria set out in the Communication. The Commission therefore considers that the correlation between the high concentrations of PM<sub>10</sub> and the low wind speed has been established for all four zones.

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<sup>3</sup> COM(2008)403

<sup>4</sup> SEC(2008)2132

- (10) Accordingly, the Commission finds that the Greek authorities have demonstrated that the exceedance situations can be chiefly attributed to adverse climatic conditions in all air quality zones covered by the notification.
- (11) In order to assess if all appropriate measures were taken before the 2005 attainment date, it is necessary to consider when an exceedance triggering abatement action pursuant to Directive 1999/30/EC first occurred in the zone, the relevance of the measures taken in relation to the identified sources and the impact of the external factors, such as adverse climatic conditions.
- (12) According to the officially reported air quality data from Greece, the daily and annual limit values plus the margins of tolerance were exceeded for the first time in 2001 in air quality zones 2, 3 and 4, and in 2003 in air quality zone 1. Air quality plans were established in 2001 for zones 2, 3 and 4, and in 2006 for zone 1.
- (13) By the original date of compliance, the daily limit values were still exceeded considerably in all zones even after deduction of the contribution from natural sources. The annual mean concentrations were slightly above the limit value in zones 1 and 2, but still largely above the limit value in zones 3 and 4. The notification indicates that a number of important traffic measures were implemented prior to the 2005 attainment date in all zones. The Greek authorities claim that the traffic abatement measures had however not yet achieved their full effect by 2005.
- (14) The Commission therefore concludes that the implementation of certain traffic related measures as well as the adoption of the air quality plans indicate that the competent authorities were aware of the air quality problems and had identified appropriate remedies. Taking into account the serious adverse climatic conditions in the zones, the Commission considers that on balance the abatement action taken was appropriate.
- (15) In order to assess if compliance with the limit values for PM<sub>10</sub> can be achieved at the expiry of the exemption period, it is necessary to consider the concentration levels estimated at that date by the Member State and the estimated impact of the additional measures proposed to ensure compliance in the air quality plan accompanying the notification.
- (16) The official annual air quality report indicates that both the daily and annual limit values were substantially exceeded in all air quality zones in 2007. The notification submitted by the Greek authorities indicates that compliance with the limit values will be achieved in all zones in 2011 and projects that the maximum annual mean concentrations for PM<sub>10</sub> will be reduced between 10 and 20 µg/m<sup>3</sup> (or more) in all zones.
- (17) In order to assess whether those projections are realistic, the Commission requires precise and detailed evidence of the source apportionments for each of the exceedance situations, as well as of the scale and impact of the abatement action foreseen including a clear implementation timetable for that action. As the notification does not provide such evidence, the Commission cannot fully assess if the abatement action indicated is sufficient to achieve compliance with the limit values by the expiry of the exemption period.
- (18) Moreover, according to the information provided by Greece, a large number of industrial installations falling under Directive 2008/1/EC of the European Parliament

and of the Council of 15 January 2008 concerning integrated pollution prevention and control<sup>5</sup> are operating without permits that comply with that Directive. Even though the source apportionment tends to suggest that the industrial component is not the major contributor to most of the exceedance situations, several exceedance situations show significant contributions coming from industrial installations covered by that Directive. The Commission therefore expects that necessary effort is taken to implement Directive 2008/1/EC.

- (19) The Commission notes that several important abatement measures listed in Part 3 of Section B of Annex XV to Directive 2008/50/EC have not been considered by the Greek authorities. The Greek authorities are therefore strongly invited to take those measures into account when drawing up or adjusting their air quality plans.
- (20) Against that background, the Commission finds that objections should be raised against the notification by Greece on the grounds that it cannot be fully assessed if compliance with the daily and annual limit values can be achieved at the expiry of the exemption period on 10 June 2011,

HAS ADOPTED THIS DECISION:

*Article 1*

Objections are raised against the notification by Greece of an exemption from the obligation to apply the daily and annual limit values for PM<sub>10</sub> set out in Annex XI to Directive 2008/50/EC in all air quality zones as specified in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, [...]

*For the Commission*  
*Stavros DIMAS*  
*Member of the Commission*

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<sup>5</sup> OJ L 24, 29.1.2008, p. 8.

## ANNEX

Zones and agglomerations covered by the notification in accordance with the delimitations applicable in the annual air quality report for the calendar year 2007.

<b>Zone Number</b>	<b>Zones and agglomerations</b>	<b>Zone name</b>
<b>1.</b>	EL0001	Volos, Larissa
<b>2.</b>	EL0002	Patras
<b>3.</b>	EL0003	Athens, Maroussi, Lykovrissin, Piraeus
<b>4.</b>	EL0004	Echedoros, Eleftherio, Kordelio, Thessaloniki, Kalamaria