



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,  
C(2009) XXX final

Draft

**COMMISSION DECISION**

**of [...]**

**on the notification by Italy of an exemption from the obligation to apply the limit values for PM<sub>10</sub> in 67 air quality zones in Lombardia, Emilia Romagna, Piemonte, Veneto, Provincia Autonoma Trento, Provincia Autonoma Bolzano, Valle d'Aosta, Friuli Venezia Giulia, Liguria, Toscana, Umbria, Marche, Lazio and Abruzzo**

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

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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) Italy notified the Commission by letter registered on 27 January 2009 of an exemption from the obligation to apply the limit values for PM<sub>10</sub> in the 67 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 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 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 deadline in Directive 1999/30/EC, the principal cause of the exceedance can be attributed to site-specific dispersion characteristics, adverse climatic conditions or transboundary contributions, and 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<sup>3</sup>,

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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.

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

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

- (4) The Italian authorities have in respect of the Piemonte, Lombardia and Emilia Romagna regions defined a limited number of exceedance situations covering several air quality zones. As a consequence, the same information has been provided for demonstrating that the conditions for an exemption are satisfied for a large number of different zones. In order to assess these zones effectively, they have been bundled together according to region, exceedance situation, and the limit value for which an exemption is asked, and have been assessed as one single zone (see zones 1-11 listed in the Annex).
- (5) For eight of the notified zones, i.e. zones 7, 11, 14, 15, 22, 25, 34 and 39 it appears from the annual air quality reports submitted to the Commission that compliance with the daily and annual limit values was achieved in 2007. As the notification does not indicate that the concentration levels in that year were significantly lower as a result of favourable atmospheric conditions in those zones, the Commission finds that it is likely that the concentration levels in those zones can be maintained below the limit values in accordance with Article 12 of Directive 2008/50/EC. The Commission finds that in view of the compliance achieved, the daily and annual limit values laid down in Annex XI to Directive 2008/50/EC should continue to apply in zones 7, 11, 14, 15, 22, 25, 34 and 39 without a margin of tolerance.
- (6) The Commission identified certain relevant information as missing from the original notification, and requested the Italian authorities by letter dated 25 March 2009 to complete the notification. The Italian authorities submitted the additional information by letter dated 21 April 2009.
- (7) The Italian authorities have provided data for the year 2005, and for some zones for 2006, to be used as reference year and basis for the assessment. The Commission notes that 2006 was a year with particularly high concentration levels and has taken that into account in its assessment.
- (8) The Italian notification was accompanied by regional or provincial air quality plans for all the zones concerned. The assessment shows that the plans for zones 1-4, 8-10, 12, 13, 16, 36-38 fulfil the requirements laid down in Part A of Annex XV to Directive 2008/50/EC.
- (9) Nine provincial plans cover the 10 zones included in zones 5 and 6, however, certain mandatory information has been found missing in all those plans, more precisely topographical and climatological information in the plan for Reggio Emilia, detailed descriptions of emission sources in the plans for Modena and Ferrara, data on the effect of measures in the plans for Parma and Reggio Emilia, and implementation timetable in the plans for Bologna, Forli-Cesena, Parma and Ferrara.
- (10) For the zones 17-20 (Friuli, Venezia and Giulia) a regional air quality plan has not yet been adopted but exists as a draft. It should be noted that a plan is considered as an air quality plan for the purposes of a notification pursuant to Article 22, if it has been

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

formally endorsed by the competent authorities so that it constitutes a formal commitment to take the necessary abatement action with the view of ensuring compliance with the limit values in 2011.

- (11) For the zones 21, 23, 24, 26-33 and 35, the regional air quality plans comply with the requirements in Directive 2008/50/EC with the exception of certain information on long-term measures. As that information has been provided in the Forms accompanying the notification, the information requirements are considered to have been satisfied, however, the Commission expects that the plans are revised to include those long-term measures.
- (12) The zones that are listed in the Annex as being in compliance with the annual and daily limit values do not require air quality plans. The Commission notes however that should there be a risk that the limit values are exceeded, the competent authorities should consider drawing up action plans indicating measures to be taken in the short term as specified in Article 24 of Directive 2008/50/EC.
- (13) For the zones 1-6, 8-10, 12, 13, 17-21, 23-24, 26-29, and 32-33 the competent authorities have stated in the notification that in addition to the measures set out in the regional plans, measures must also be implemented at the national level if compliance is to be achieved by the expiry of the exemption period. In the absence of a national air quality plan setting out such measures, the Commission considers that not all the necessary information required to demonstrate that the conditions are satisfied has been supplied for those zones.
- (14) In order to assess whether the conditions for a 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.
- (15) The Italian authorities have provided a detailed analysis of the contributing sources by sector and origin for the zones 8-10, 16, 26-29, 32, 33, 35-38. Traffic is in general the main source at the local and urban levels closely followed by industry and commercial-residential sources. Transboundary contributions as well as contributions from natural sources are well documented and reasonable for all zones concerned.
- (16) For zones 1-6, 12, 13, and 17-20 the Italian authorities have provided source apportionments based on average emission data from areas that are significantly larger than the individual zones concerned. The Commission finds, on the basis of the substantial differences that can be seen between different monitoring stations within the zones and other technical documents submitted together with the notification, that although the source apportionments give a general and accurate overview of the contributing sources at the regional level, they are not relevant for describing local exceedance situations. The Commission considers that more detailed source apportionments taking into account highly polluted local exceedance situations are necessary in these zones in order to have a basis for determining the abatement action required at the local level and consequently also its impact.
- (17) In zones 21, 23, 24, 30 and 31 the source apportionments do not include a regional background split, and for the urban and local level only emission data is given. The

Commission finds that while the source apportionments give a general and accurate overview of the contributing sources at the regional level, they are not sufficiently detailed for describing the local exceedance situations.

- (18) Reference is made to contributions of sea salt spray in a number of zones, i.e. 21, 23, 26-29, 32, 33 and 35. Contributions from natural sources such as sea salt spray may be taken into account pursuant to Article 20 in Directive 2008/50/EC, provided that evidence is submitted demonstrating that the exceedances are attributable to such sources. As such information has not been submitted by the Italian authorities for any of the zones concerned, the Commission is not in a position to assess the importance of sea salt spray for the exceedances nor take it into account for the assessment of the notification.
- (19) A comparison with the 2005 data collected under the cooperative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe ("EMEP") supports the proportion of the transboundary contribution identified by the Italian authorities in all zones concerned. It should be noted that a comparison with EMEP data is only relevant for the zones situated south of the Po basin. The estimated contributions of transboundary pollution in the Po basin cannot be considered representative due to the effect of the specific geographical situation of that area (i.e. it being surrounded by mountains and the sea). The Commission notes that transboundary contributions are in any event of limited importance in that area.
- (20) The assessment of the Commission confirms that the identification and quantification of the contributions from the different sources provided by the Italian authorities give a relevant and reasonable basis for the assessment of the zones 8-10, 16, 26-29, 32, 33, 35-38. For the zones 1-6, 12, 13, 17-21, 23, 24, 30 and 31, the source apportionments provide a relevant basis for assessing contributions at the regional level, however account has been taken of the lack of information on pollution sources at the local level.
- (21) The notification indicates that adverse climatic conditions are the principal causes for why conformity with the limit values could not be achieved by the 2005 attainment date. Site specific dispersion characteristics are also claimed in a small number of zones.
- (22) According to the notification the high concentration levels in zones 1-6, 8-10, 12, 13, 16-20, 23, 31-33, 35, 37 and 38 are chiefly due to adverse climatic conditions. The Commission finds that for those zones, the Italian 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.
- (23) The Italian authorities have demonstrated that the criteria for site specific dispersion characteristics indicated in the Communication are met in zones 21, 30, and 36.
- (24) As regards zones 24 and 26-29 adverse climatic conditions have been indicated by the Italian authorities. Information supporting the presence of these conditions in zone 24 has however not been provided, despite the Commission's request for additional information. As indicated in the Communication, it is expected that the Member States demonstrate that exceedances mainly occur during low wind-speed periods, however

as regards zones 26-29, the annual average wind-speed given by the Italian authorities is above the 1.5 m/s given as an indicator in the Communication. As no information has been provided by the authorities explaining why a higher average wind-speed is relevant for demonstrating that the conditions are met, the Commission finds that it cannot assess whether adverse climatic conditions are present. In their reply to the Commission's request for additional information, the Italian authorities refer also to transboundary contributions as a cause for the exceedances in the zones 26-29. However, in the absence of information supporting that compliance would have been achieved after deducting the transboundary contributions, the Commission cannot assess whether transboundary contributions alone, or together with adverse climatic conditions, could be considered as the chief cause for the exceedances in these zones.

- (25) Accordingly, the Commission considers that the exceedance situations can be chiefly attributed to adverse climatic conditions in zones 1-6, 8-10, 12, 13, 16-20, 23, 31-33, 35, 37 and 38. Site specific dispersion characteristics are considered the chief cause of the exceedances in zones 21, 30, and 36. For zones 24, 26-29, the Commission cannot, on the basis of the information provided, fully assess if the exceedances can be attributed to adverse climatic conditions, transboundary contributions or site-specific dispersion characteristics, or to a combination of these factors.
- (26) 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.
- (27) Exceedances of the limit values were registered shortly after the entry into force of Directive 1999/30/EC for a majority of the notified zones, i.e. zones 1-6, 8-10, 12, 16, 21, 26-33, 35-37. In common for all those zones, air quality plans were established and relevant abatement measures were implemented early and prior to the attainment date in 2005. Meteorological factors, biomass burning and late adoption of the emissions standards for vehicles are given as the main reasons for why compliance could not be achieved by 2005. It is also indicated that the role of secondary particle formations and the contribution from natural sources were generally underestimated in that period.
- (28) In the zones 13, 23 and 24, exceedances triggering mandatory abatement action occurred for the first time in 2004. In zone 13 an air quality plan was adopted in 2005, however, measures addressing traffic were taken already in 2003. In zones 23 and 24, air quality plans were partially in place already in 2001 and completely adopted in 2006. Measures addressing the main sources were adopted also in these two zones in the period prior to 2005.
- (29) In zones 17-20 and 38 the first exceedances occurred in 2006 (zones 17 and 18) and 2007 (zones 19, 20 and 38). As there were no exceedance triggering mandatory abatement action prior to 2005, no systematic abatement action was introduced before that date. Nevertheless, certain measures addressing traffic emissions were implemented before that date.
- (30) Taking into account that the measures implemented were relevant for addressing the chief sources identified, and that for some zones, where exceedances were recorded very close to or after 2005, the competent authorities had either limited possibilities to

take abatement action that could deliver compliance within the short time period remaining until the entry into force of the limit values, or were not under obligation to take such action pursuant to Directive 1999/30/EC, the Commission considers that on balance the abatement action taken in zones 1-6, 8-10, 12, 13, 16-21, 23, 24, 26-33, and 35-38 prior to the 2005 deadline was appropriate.

- (31) 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.
- (32) As regards zones 1-6, 8-10, 12, 13, 17-21, 23-24, 26-29, 32 and 33 the notification indicates that a combination of local, regional and national measures, mainly aimed to reduce background concentrations, in addition to the abatement measures already in place, could lead to a reduction of the concentration levels that will ensure compliance with the limit values in 2011. According to the documents submitted by the competent authorities it appears that without the national measures, regional and local measures alone cannot ensure that compliance is achieved by the extended deadline. As there is not sufficient information in the notification about the measures due to be implemented at national level and considering that a national air quality plan is still in preparation, the Commission finds that, although it is not excluded that a combination of national, regional and local measures could ensure compliance, it is not possible on the basis of the currently available information, and in the absence of a formal commitment at the national level in the form of a national air quality plan, to fully assess if compliance will be achieved by the 2011 deadline. The lack in some zones of specific information about the local exceedance situations, which could be efficiently addressed by regional and local measures, also adds to the uncertainty as to the extent of the abatement action needed at the local level.
- (33) In zone 16 all important pollution sources are addressed by relevant measures and well outlined in the air quality plan. An annual estimated concentration level of 28-30 µg/m<sup>3</sup> is foreseen for 2010 which according to expert evaluation should be sufficient to ensure compliance also with the daily limit value. As the daily limit value of 50 µg/m<sup>3</sup> was exceeded during only 42 days in 2007 as compared to the permitted 35 days, the Commission finds that it is reasonable to assume that compliance with the daily limit value will be achieved in 2011, provided that the measures set out in the air quality plan are implemented as planned.
- (34) As regards zones 17-20, the number of days exceeding the daily limit value was relatively close to the 35 permitted days in both 2006 and 2007. The notification indicates however that an air quality plan has not yet been formally adopted. The draft plan provided to the Commission includes a description of the measures due to be implemented and it appears that all main pollution sources are due to be addressed. However, in the absence of a formal endorsement of the air quality plan ensuring that the relevant measures will be implemented as planned, the Commission cannot, on the basis of the information provided, fully assess if compliance with the daily limit value can be achieved by the 2011 deadline. The lack of information in terms of emission reductions or impact of the measures also adds to the uncertainty as to the extent of the abatement action needed.

- (35) In zones 21 and 23 concentration levels were below the annual limit value in 2007, but exceeded the daily limit value by 53 and 55 days respectively as compared to the permitted 35 days. The Italian authorities have estimated that additional abatement measures will reduce the annual concentration by 18% before 2011 resulting in the daily limit value being exceeded between 5 and 29 days. Although a reduction of the concentration levels by 18% appears reasonable, the Commission finds the resulting number of days exceeding the daily limit value is not. Applied to the annual concentration level in 2005 in zone 21 of  $44 \mu\text{g}/\text{m}^3$ , and in 2006 in zone 23 of  $40 \mu\text{g}/\text{m}^3$ , the 18% reduction would result in concentration levels above the annual mean  $30 \mu\text{g}/\text{m}^3$  which according to expert evaluation is the level required to ensure compliance with the daily limit value. As the Italian authorities have not provided evidence that annual concentration levels exceeding the  $30 \mu\text{g}/\text{m}^3$  would be enough to ensure that the daily limit value would be exceeded by only 5 to 29 days, the Commission cannot fully assess if compliance with the daily limit value will be achieved by the expiry of the exemption period.
- (36) As regards zone 21, the Commission finds that concentration levels can be maintained below the annual limit value, provided that the abatement measures foreseen are implemented on time. Considering that the annual mean concentration levels must in any case be maintained substantially below the annual limit value to ensure that the daily limit value can be achieved, the annual limit value set out in Annex XI to Directive 2008/50/EC should continue to apply in zone 21 without a margin of tolerance.
- (37) In zone 24, the Italian authorities have not provided a quantitative estimate of the projected concentrations in 2011 nor demonstrated by other means how compliance will be achieved by that date. Moreover, the Commission notes that an industrial installation, being a major point source for dust emissions, has not yet been issued a permit pursuant to Directive 2008/1/EC of the European Parliament and of the Council of January 2008 on integrated pollution prevention and control<sup>5</sup>. Despite the daily limit value of  $50 \mu\text{g}/\text{m}^3$  only being exceeded by 41 days in 2007, as compared to the permitted 35 days, the Commission cannot on the basis of the information provided fully assess if compliance with the daily limit value can be achieved in zone 24 by the 2011 deadline.
- (38) In respect of zones 26-29, the Italian authorities have, in response to the request for additional information by the Commission, provided information on the impact of measures at local, urban and regional levels. However, the measures have been attributed the same impact, regardless of the exceedance situation concerned. The Commission considers that due to the different sources concerned in the different exceedance situations, the Italian authorities should have provided more detailed information in order to demonstrate that it is reasonable that the same measures have exactly the same impact in all situations. Moreover, the annual concentration level obtained following the estimated reductions would be above the annual mean  $30 \mu\text{g}/\text{m}^3$  which according to expert evaluation is the level required to ensure compliance with the daily limit value. The Commission therefore finds that it cannot on the basis of the information provided fully assess if compliance with the daily limit value, and in the case of zone 29 the daily and annual limit values can be achieved by 2011.

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

- (39) In zone 30, a reduction of the concentration level by 2010 has been estimated for the baseline scenario at 5.9%. According to the notification it is assumed that with additional abatement measures taken, compliance with the daily limit value can be achieved. The Commission considers that the estimated reduction is reasonable. Although an impact of the additional measures and detailed information about the local exceedance situations have not been provided, the Commission finds that due to the relatively small number of days in exceedance in 2007, i.e. 39 days as compared to the permitted 35 days, compliance by 2011 is likely in zone 30.
- (40) In zone 31, a reduction of the concentration level by 2010 has been estimated for the baseline scenario at between 5.8 and 6.9%. According to the notification it is assumed that with additional abatement measures taken, compliance with the daily limit value can be achieved. The Commission considers that the estimated reduction is reasonable. However, in view of the high number of days exceeding the daily limit value, i.e. 64 days in 2007 as compared to the 35 permitted days, the Commission cannot, in the absence of data on the impact of the additional abatement measures, fully assess if compliance can be achieved by 2011. Moreover, the Commission notes that despite industry being a major source accounting for 50% of the contribution at urban scale, no specific measures have been described tackling this sector.
- (41) As regards zones 32 and 33, the Italian authorities have provided information about the total impact of the abatement measures foreseen as well as the estimated reduction at regional, urban and local level. The annual concentration level obtained following the estimated reductions would be below the annual limit value but still considerably above the annual mean concentration of  $30 \mu\text{g}/\text{m}^3$  which according to expert evaluation is the level required to ensure compliance with the daily limit value. As detailed information on the impact of individual measures implemented after 2005 is not available, the Commission therefore finds that it cannot on the basis of the information provided fully assess if compliance with the daily limit value can be achieved in zone 32 and 33 by 2011. In zone 32, compliance was achieved with the annual limit value in 2007 and therefore the annual limit value set out in Annex XI to Directive 2008/50/EC should continue to apply in zone 32 without a margin of tolerance. The annual limit value was slightly exceeded in 2007 in zone 33 but is expected to be met by 2011. The exemption should therefore apply in that zone in respect of that limit value. However, it will be necessary to reduce the annual mean concentrations substantially below the annual limit value if compliance with the daily limit value is to be achieved.
- (42) In zone 35 the Italian authorities have provided information about the total impact of the abatement measures foreseen as well as the estimated reduction at regional, urban and local level. Although detailed information on the impact of individual measures implemented after 2005 has not been provided, the Commission considers, in view of the estimated annual concentration level being very close to the  $30 \mu\text{g}/\text{m}^3$  which according to expert evaluation is the level required to ensure compliance with the daily limit value, that it is likely that compliance with the daily limit value can be achieved by 2011, provided that the measures set out in the air quality plan are implemented as planned.
- (43) As regards zones 36 and 37, the Italian authorities have provided estimates based on modelling that indicate that the daily limit value will be exceeded by more than the permitted 35 days in 2010 in all the modelled scenarios. In view of the very high

number of days exceeding the daily limit value in 2007, i.e. 98 days and 137 days respectively, the Commission cannot, in the absence of an indication that the abatement measures specified by the authorities as the most ambitious scenario for achieving compliance in 2011 have been formally adopted and are due to be implemented, find that compliance can reasonably be achieved before the expiry of the exemption period.

- (44) As regards zones 38, the Italian authorities have provided estimates based on modelling that indicate that compliance with the daily limit value will be achieved by 2011. In view of the low number of days exceeding the daily limit value in 2007 and the fact that compliance has already been achieved with the annual limit value, the Commission finds that it is likely that compliance with the daily limit value can be achieved by 2011.
- (45) As regards the zones listed in the Annex to this Decision as being in compliance with the annual limit value, the Commission finds that concentration levels should be maintained below the annual limit value in those zones. Considering that the annual mean concentration levels must in any case be maintained substantially below the annual limit value to ensure that the daily limit value can be achieved, the annual limit value set out in Annex XI to Directive 2008/50/EC should continue to apply in those zones without a margin of tolerance.
- (46) The Commission notes, as regards the status of implementation of the Community legislation listed in Part 2 of Section B in Annex XV to Directive 2008/50/EC, that for some major industrial installations that fall under national competence in the zones 1-6, 8-10, and 12 that it is not clear to what extent permits pursuant to Directive 2008/1/EC have been issued. As these installations, in view of their size, are likely to have a significant effect on concentration levels, the Commission expects that the necessary effort is taken to ensure that all such installations operate using appropriate preventive measures against pollution, in particular through application of the best available techniques.
- (47) As regards measures to be considered in accordance with Part 3 of Section B in Annex XV to Directive 2008/50/EC, the Italian authorities have demonstrated that due account has been taken of these measures in zones 1-6, 8, 16, 21, 26-33, and 35-38. As regards the zones 9, 10, 12, 17-20, 23, and 24 the notification does not indicate that measures including economic instruments such as taxes, charges or emission trading have been considered nor has a justification been provided why such measures are not appropriate. In zone 13, no justification has been provided as to why measures related to retrofitting, shift of transport towards less polluting modes have not been considered.
- (48) Against that background, the Commission finds that no objections should be raised against the application of the exemption from the obligation to apply the daily limit value in the zones 16, 30, 35 and 38. Objections should also not be raised against the application of the exemption from the obligation to apply the annual limit value in zone 33.
- (49) As regards the zones listed in the Annex as being in compliance with the daily and/or annual limit values, the Commission finds that objections should be raised against the

exemption from the obligation to apply those limit values on the grounds that compliance has already been achieved.

- (50) As regards zones 1-6, 8-10, 12 and 13, 17-21, 23, 31-33, 36 and 37, the Commission finds that objections should be raised against the exemption from the obligation to apply the daily and/or annual limit values as specified in the Annex, on the grounds that it has not been fully demonstrated that compliance with the limit values can be achieved by the expiry of the exemption period in 2011.
- (51) As regards zones 24, and 26-29, the Commission finds that objections should be raised against the exemption from the obligation to apply the daily and/or annual limit values as specified in the Annex, on the grounds that it has not been fully demonstrated that adverse climatic conditions and, in respect of zones 26-29 also transboundary contributions, can be considered as the chief causes of the exceedances. Objections should also be raised on the grounds that it has not been fully demonstrated for those zones that compliance with the limit values can be achieved by the expiry of the exemption period in 2011.
- (52) During the exemption period the daily limit value continues to apply in zones 16, 30, 35 and 38 together with a maximum margin of tolerance in accordance with Article 22(3) of Directive 2008/50/EC. In order to provide the Commission with the means for verifying compliance with that provision, Italy should provide the Commission, on an annual basis, with data confirming that the concentration levels do not exceed the limit values plus the maximum margin of tolerance.
- (53) In order to ensure that the Commission can check the implementation of the air quality plans and the relevant abatement action, Italy should provide information to the Commission for each of the zones covered by the exemption on the assessment of air quality as regards the area in exceedance, the length of road in exceedance and the population exposed in the calendar year following the date of expiry of the exemption period.
- (54) The exemption should apply to the air quality zones as they were defined in the reference year 2005 or 2006 as specified in the Annex. In order to ensure that the exemption applies to the territory as defined in this Decision, any changes to the delimitation of those zones during the exemption period should be subject to prior approval by the Commission,

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. No objections are raised against the notification by Italy of an exemption from the obligation to apply
  - (a) the daily limit value for PM<sub>10</sub> set out in Annex XI to Directive 2008/50/EC in the zones 16, 30, 35 and 38 listed in the Annex to this Decision;
  - (b) the annual limit value for PM<sub>10</sub> in zone 33.

The exemption shall apply until 10 June 2011.

2. Objections are raised against the notification by Italy of an exemption from the obligation to apply the following limit values for PM<sub>10</sub> set out in Annex XI to Directive 2008/50/EC:
  - (a) the daily limit value in zones 2, 4, 6, 10, 13, 14, 15, 17-20, 22, 23, 24, 28, 31, 33 and 34 listed in the Annex to this Decision;
  - (b) the annual limit value in zone 16 listed in the Annex to this Decision;
  - (c) the daily and annual limit values in zones 1, 3, 5, 7, 8, 9, 11, 12, 21, 25, 26, 27, 29, 32, 36, 37 and 39 listed in the Annex to this Decision.

*Article 2*  
*Reporting*

1. Italy shall for the period 11 June to 31 December 2008, the calendar years 2009, and 2010, and for the period 1 January to 10 June 2011, provide the Commission with data indicating that the concentration levels in the zones referred to in Article 1(1) are below the daily limit value plus the maximum margin of tolerance specified in Annex XI to Directive 2008/50/EC.

The data shall be provided at the latest by 30 September of the following year.

2. Italy shall by 30 September 2012 provide the Commission with information confirming that compliance with the daily limit value for PM<sub>10</sub> set out in Annex XI to Directive 2008/50/EC has been achieved in the zones 16, 30, 35 and 38 and the annual limit value in zone 33.
3. Changes to the delimitations of the air quality zones as compared to the delimitations that applied in the reference years 2005 or 2006 during the exemption period that affect the scope of the exemption shall be subject to prior approval of the Commission.

*Article 3*

This Decision is addressed to the Republic of Italy.

Done at Brussels, [...]

*For the Commission*  
*Stavros DIMAS*  
*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 years specified in the table.

<b>Zone number</b>	<b>Zones and agglomeration codes</b>	<b>Daily and/or annual limit values</b>	<b>Reference year</b>	<b>Region</b>
1.	I0304; I0305; I0306; I0307; I0308; I0311; I0312; I0316	d/a	2005	Lombardia
2.	I0309; I0310	d		
3.	I0313; I0315	d/a		
4.	I0314 (m);	d		
5.	IT0800*; IT0802*; IT0812*; IT0822; IT0832; IT0842; IT0852	d/a *in compliance with the annual limit value in 2007	2005	Emilia Romagna
6.	IT0843; IT0872; IT0882	d		
7.	IT0862; IT0863	d/a in compliance in 2007		
8.	IT0103	d/a	2005	Piemonte
9.	IT0101; IT0104; IT0106; IT0107; IT0108*; IT0110*; IT0112; IT0113*;	d/a *in compliance with the annual limit value in 2007		
10.	IT0105; IT0109; IT0111; IT0114	d		
11.	IT0102	d/a in compliance in 2007		
12.	IT0501	d/a	2005	Veneto
13.	IT0401	d	2005	Provincia Autonoma Trento

14.	IT0414	d d/a in compliance in 2007	2005	Provincia Autonoma Bolzano
15.	IT0412	d d/a in compliance in 2007		
16.	IT0201*	d/a *in compliance with the annual limit value in 2006	2005	Valle d'Aosta
17.	IT0602	d	2006	Friuli Venezia Giulia
18.	IT0603			
19.	IT0601			
20.	IT0606			
21.	IT0701*	d/a *in compliance with the annual limit value in 2007	2005	Liguria
22.	IT0702	d d/a in compliance in 2007	2005	
23.	IT0703	d	2006	
24.	IT0705	d	2006	
25.	IT0706	d/a in compliance in 2007	2005	
26.	IT0902*	d/a *in compliance with the annual limit value in 2007	2005	
27.	IT0903*	d/a *in compliance with the annual limit value in 2007		
28.	IT0904	d		
29.	IT0905	d/a		
30.	IT1001	d		
31.	IT1002	d	2005	Umbria

32.	IT1101*	d/a *in compliance with the annual limit value in 2007 (on the basis of data from the relevant monitoring stations)	2005	Marche
33.	IT1102	d/a		
34.	IT1103	d d/a in compliance in 2007 (on the basis of data from the relevant monitoring stations)		
35.	IT1104	d		
36.	IT1201	d/a	2005	Lazio
37.	IT1202	d/a		
38.	IT1203	d		
39.	IT13PE	d/a in compliance in 2007	2005	Abruzzo