



EUROPEAN COMMISSION

Brussels, 2.9.2011  
C(2011) 6208 final

**COMMISSION DECISION**

**of 2.9.2011**

**on the notification by the United Kingdom of Great Britain and Northern Ireland of a postponement of the deadline for attaining the limit values for NO<sub>2</sub> in one air quality zone**

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

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

Whereas:

- (1) The air quality limit values for NO<sub>2</sub> 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 air<sup>2</sup>.
- (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 NO<sub>2</sub> shall be achieved if it demonstrates that conformity with the limit values cannot be achieved by 1 January 2010 and an air quality plan is established that demonstrates how compliance will be achieved before the expiry of the new deadline.
- (3) The United Kingdom notified the Commission by letter registered on 12 December 2010 of a postponement under Article 22(1) of Directive 2008/50/EC of the deadline for attaining the annual limit value for NO<sub>2</sub> in the air quality zone Gibraltar ("UK(GIB)").
- (4) 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>, ("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 NO<sub>2</sub> under Directive 2008/50/EC<sup>4</sup>. The notification was submitted

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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

<sup>4</sup> SEC(2011)300

using the forms set out in the Staff Working Paper<sup>5</sup> that accompanied the Communication.

- (5) The Commission considered the original notification as complete and informed the United Kingdom authorities accordingly by letter dated 11 January 2011.
- (6) The United Kingdom authorities have provided in the notification data for the year 2008 to be used as reference year and as basis for the assessment of the postponement of the attainment deadline for the NO<sub>2</sub> annual limit value. The Commission finds that the year 2008 can be used as basis for the assessment.
- (7) The United Kingdom notification was accompanied by an air quality plan that fulfils the requirements provided for in Section A of Annex XV to Directive 2008/50/EC for the zone UK(GIB).
- (8) In order to assess whether the conditions for the NO<sub>2</sub> 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.
- (9) The Commission finds that the source apportionment provided by the United Kingdom authorities for the zone UK(GIB) is complete for all scales. United Kingdom authorities have identified industry and traffic as the main sources contributing to the high NO<sub>2</sub> concentration levels at the local level in that zone. The assessment of the Commission confirms that the identification and quantification of the contributions from the different sources provided by the United Kingdom authorities gives a relevant and reasonable basis for the assessment.
- (10) The United Kingdom has notified a postponement of the deadline for attaining the annual limit value for NO<sub>2</sub> in the zone UK(GIB) until 1 January 2015.
- (11) In order to assess if conformity with the limit values for NO<sub>2</sub> 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 the zone UK(GIB) and whether relevant measures have been taken in relation to the identified sources.
- (12) According to the annual reports on air quality submitted by the United Kingdom authorities, exceedances triggering an obligation to take abatement action with regard to NO<sub>2</sub> concentrations were recorded for the first time in 2008. An air quality plan was adopted in 2010 and the first measures addressing the main sources were implemented in the same year. The Commission notes that the exceedances were recorded for the first time very close to the 2010 attainment date, that the compliance gap in 2009 was still large and that no downward trend has been observed. The Commission therefore considers that it is likely that despite the abatement action taken in 2010, conformity with the annual limit value for NO<sub>2</sub> could not be achieved by 1 January 2010 in zone UK(GIB).

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<sup>5</sup> SEC(2008)2132

- (13) In order to assess if compliance with the annual limit value for NO<sub>2</sub> 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.
- (14) The Commission notes that the United Kingdom authorities have requested the maximum permitted postponement for compliance with the annual limit value for NO<sub>2</sub> in zone UK(GIB), 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.
- (15) In order to assess whether the projected compliance by the new 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. The United Kingdom authorities have provided data on projected NO<sub>2</sub> concentration levels in 2015 that seem reasonable and realistic. The notification lists the replacement of three old powerplants by a single new powerplant as the main measure to reduce the high NO<sub>2</sub> concentration levels in zone UK(GIB). The detailed effects and a clear timetable for that measure have been provided. Traffic, which also has an important reduction potential, is also addressed in the air quality plan. The Commission considers that it is likely, provided the old powerplants stop operating by the end of 2014, that compliance with the annual NO<sub>2</sub> limit value can be achieved by 1 January 2015 in the air quality zone UK(GIB).
- (16) As regards the implementation by the United Kingdom authorities of the legislation listed in Part 2 of Section B in Annex XV to Directive 2008/50/EC, the Commission notes that the expected exceedance by the United Kingdom in 2010 of the national emission ceiling set for nitrogen oxides pursuant to Directive 2001/81/EC of the European Parliament and the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants<sup>6</sup>, will only have a minor impact on the NO<sub>2</sub> concentration levels in the zone UK(GIB).
- (17) The Commission is satisfied that the United Kingdom authorities have taken into consideration all measures listed in Part 3 of Section B in Annex XV to Directive 2008/50/EC.
- (18) Against that background, the Commission finds that no objections should be raised to the postponement of the deadline for attaining the annual limit value for NO<sub>2</sub> in zone UK(GIB) until 1 January 2015.
- (19) During the postponement period the annual limit value for NO<sub>2</sub> continues to apply 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, the United Kingdom should provide the Commission, on an annual basis, with data confirming that the concentration levels do not exceed the annual NO<sub>2</sub> limit value plus the maximum margin of tolerance in zone UK(GIB).

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<sup>6</sup> OJ L 309, 27.11.2001, p.22.

- (20) In order to ensure that the Commission can check the implementation of the air quality plan and the relevant abatement action, the United Kingdom should provide information to the Commission for zone UK(GIB) 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 postponement period.
- (21) The postponement should apply to the air quality zone UK(GIB) as it was defined in the reference year 2008. In order to ensure that the postponement applies to the territory as defined in this Decision, any changes to the delimitation of this zone during the postponement period should be subject to prior approval by the Commission,

HAS ADOPTED THIS DECISION:

*Article 1*

No objections are raised to the postponement of the deadline for attaining the annual limit value for NO<sub>2</sub> set out in Annex XI to Directive 2008/50/EC in zone UK(GIB). The postponement shall apply until 1 January 2015.

*Article 2*

1. The United Kingdom of Great Britain and Northern Ireland shall, for the calendar years 2010 to 2014 inclusive, provide the Commission with data indicating that the concentration levels in zone UK(GIB) are below the annual limit value for NO<sub>2</sub> plus the maximum margin of tolerance specified in Annex XI to Directive 2008/50/EC. That data may be provided through the annual submission of the questionnaire referred to in Article 1 of Commission Decision of 29 April 2004 laying down a questionnaire to be used for annual reporting on ambient air quality assessment under Council Directives 96/62/EC and 1999/30/EC and under Directives 2000/69/EC and 2002/3/EC of the European Parliament and of the Council<sup>7</sup>.
2. The United Kingdom of Great Britain and Northern Ireland shall, by 30 September 2016 at the latest, provide the Commission with information confirming that compliance with the annual limit value for NO<sub>2</sub> set out in Annex XI to Directive 2008/50/EC has been achieved in zone UK(GIB).
3. Changes to the delimitation of the air quality zone UK(GIB) as compared to the delimitation that applied in the reference year 2008 during the postponement period that may affect the scope of the postponement shall be subject to prior approval of the Commission.

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<sup>7</sup> OJ L 156, 30.4.2008, p.84.

*Article 3*

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 2.9.2011

*For the Commission*  
*Janez POTOČNIK*  
*Member of the Commission*

