EUROPEAN COMMISSION

Brussels, XXX
[…](2012) XXX

COMMISSION DECISION

of XXX

on the notification by the Republic of Finland of a postponement of the deadline for attaining the annual limit value for NO₂ in the air quality zone FI0014 (Helsinki)

(Only the Finnish and Swedish texts are authentic)
COMMISSION DECISION

of 12.7.2012

on the notification by the Republic of Finland of a postponement of the deadline for attaining the annual limit value for NO$_2$ in the air quality zone FI0014 (Helsinki)

(Only the Finnish and Swedish texts are 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 Europe\(^1\), and in particular Article 22(4) thereof,

Whereas:

(1) The air quality limit values for NO$_2$ 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\(^2\).

(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$_2$ 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 Republic of Finland submitted to the Commission by letter registered on 3 October 2011 a notification of a postponement under Article 22(1) of Directive 2008/50/EC of the deadline for attaining the annual limit value for NO$_2$ in the air quality zone FI0014 Helsinki.

(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\(^3\), ("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$_2$ under Directive 2008/50/EC\(^4\). The notification was submitted

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\(^3\) COM(2008)403
\(^4\) SEC(2011)300
using the forms set out in the Staff Working Paper\textsuperscript{5} that accompanied the Communication.

(5) The Commission identified certain relevant information as missing from the original notification and requested the Finnish authorities by letter dated 21 November 2011 to complete the notification. Since the Finnish authorities submitted essential additional information by letter dated 7 December 2011 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. 13 December 2011.

(6) The Finnish 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 NO\textsubscript{2} annual limit value in the zone FI0014 Helsinki. The Commission finds that the year 2010 is a relevant year to be used as basis for the assessment.

(7) The Finnish notification of zone FI0014 Helsinki was accompanied by an air quality plan that fulfils the requirements provided for in Section A of Annex XV to Directive 2008/50/EC.

(8) In order to assess whether the conditions for the NO\textsubscript{2} 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 Finnish authorities for the notified zone is complete for all scales. The Finnish authorities have identified traffic as the main source contributing to the high NO\textsubscript{2} concentration levels at the local and urban levels in zone FI0014 Helsinki. The assessment of the Commission confirms that the identification and quantification of the contributions from the different sources provided by the Finnish authorities gives a relevant and reasonable basis for the assessment.

(10) In order to assess if conformity with the limit values for NO\textsubscript{2} 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 notified zone and whether relevant measures have been taken in relation to the identified sources.

(11) According to the information submitted by the Finnish authorities, exceedances triggering an obligation to take abatement action with regard to NO\textsubscript{2} concentrations were recorded for the first time in 2006 in zone FI0014 Helsinki and an air quality plan was adopted within two years of that exceedance in 2008. The Commission notes that the relevant pollution sources have been addressed in zone FI0014 Helsinki. The Finnish authorities explained that compliance in 2010 was initially expected. However due to higher real world vehicle emissions of NO\textsubscript{x} and increased NO\textsubscript{2} primary emissions, unforeseen by the relevant literature, the abatement measures did not deliver as planned by projection scenarios. The Commission notes that the time lapse

\textsuperscript{5} SEC(2008)2132
to adapt the air quality plans to the new findings in order to reach compliance in 2010 was relatively short.

(12) The Commission finds that it was likely that despite the abatement actions taken by the Finnish authorities conformity with the annual limit value for NO\textsubscript{2} could not be achieved by 1 January 2010 in zone FI0014 Helsinki.

(13) In order to assess if compliance with the annual limit value for NO\textsubscript{2} 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 Finnish authorities have requested the maximum permitted postponement for compliance with the annual limit value for NO\textsubscript{2} in zone FI0014 Helsinki, 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.

(16) The Finnish authorities have provided data on projected NO\textsubscript{2} concentration levels in 2015 that seem reasonable and realistic. The notification lists several measures addressing the traffic emissions in zone FI0014 Helsinki. The compliance projections rely on the fact that the most recent Euro standards for vehicle emissions\textsuperscript{6} will be as effective as planned. The detailed effects and a clear timetable for the abatement measures have been provided. The Commission considers that it is likely, provided the most recent Euro standards are as effective as predicted, that compliance with the annual NO\textsubscript{2} limit value can be achieved by 1 January 2015 in the air quality zone FI0014 Helsinki.

(17) As regards the implementation by the Finnish authorities of the legislation listed in Part 2 of Section B in Annex XV to Directive 2008/50/EC, the Commission notes that the Finnish authorities have provided the required information for zone FI0014 Helsinki. The Commission considers that the information does not give rise to concerns that could have a negative impact on the assessment whether compliance with the annual NO\textsubscript{2} limit value can be reached by the new attainment deadline in zone FI0014 Helsinki.

(18) The Commission is satisfied that the Finnish authorities have taken into consideration all measures listed in Part 3 of Section B in Annex XV to Directive 2008/50/EC.

(19) Against that background, the Commission finds that no objections should be raised against the postponement of the deadline for attaining the annual limit value for NO₂ in zone FI0014 Helsinki until 1 January 2015.

(20) During the postponement period the annual limit value for NO₂ 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 Republic of Finland should provide the Commission, on an annual basis, with data confirming that the concentration levels do not exceed the annual NO₂ limit value plus the maximum margin of tolerance in zone FI0014 Helsinki.

(21) In order to ensure that the Commission can check the implementation of the air quality plan and the relevant abatement action, the Republic of Finland should provide information to the Commission for zone FI0014 Helsinki 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.

(22) The postponement should apply to the air quality zone FI0014 Helsinki as it was defined in the reference year 2010. 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 NO₂ set out in Annex XI to Directive 2008/50/EC in zone FI0014 Helsinki. The postponement shall apply until 1 January 2015.

Article 2

1. The Republic of Finland shall, for the calendar years 2010 to 2014 inclusive, provide the Commission with data indicating that the concentration levels in zone FI0014 Helsinki are below the annual limit value for NO₂ 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 Council⁷.

⁷ OJ L 156, 30.4.2008, p.84.
2. The Republic of Finland shall, by 30 September 2016 at the latest, provide the Commission with information confirming that compliance with the annual limit value for NO₂ set out in Annex XI to Directive 2008/50/EC has been achieved in zone FI0014 Helsinki.

3. Changes to the delimitation of the air quality zone FI0014 Helsinki as compared to the delimitation that applied in the reference year 2010 during the postponement period that may affect the scope of the postponement shall be subject to prior approval of the Commission.

Article 2

This Decision is addressed to the Republic of Finland.

Done at Brussels,

For the Commission

Janez Potočnik

Member of the Commission