



EUROPESE COMMISSIE  
DIRECTORAAT-GENERAAL  
MILIEU

De directeur-generaal

Brussel, - 1 DEC. 2011  
ENV/C3/AW/pb Ares(2011)

**Betreft: Verzoek om aanvullende informatie betreffende de Belgische kennisgeving van uitstel van het tijdstip waarop aan de jaargrenswaarde voor NO<sub>2</sub> moet worden voldaan**

Excellentie,

In een brief die op 30 september 2011 is gedagtekend en op 3 oktober 2011 is geregistreerd (Ares(2011)1044479), hebben de Belgische autoriteiten de Europese Commissie in kennis gesteld van bovengenoemd uitstel voor drie luchtkwaliteitszones.

Na een eerste bestudering is de Commissie tot de conclusie gekomen dat de kennisgeving onvolledig is. Om het de Commissie gemakkelijker te maken haar standpunt over het uitstel te bepalen, wordt de Belgische autoriteiten vriendelijk verzocht de in de bijgaande bijlage vermelde informatie in te dienen. De Permanente Vertegenwoordiging van België dient deze informatie binnen drie weken na de dagtekening van deze brief aan het secretariaat-generaal van de Europese Commissie mee te delen. De beoordelingsperiode gaat in op de dag die volgt op de officiële registratie van de verlangde informatie door de Commissie. Als de verlangde informatie niet binnen de vastgestelde termijn wordt ingediend, behoudt de Commissie zich het recht voor bezwaar te maken tegen de aspecten van de kennisgeving die niet afdoende zijn onderbouwd - en wel met het oog op de rechtszekerheid - binnen negen maanden na de officiële registratie van de aanvankelijke kennisgeving.

Met de meeste hoogachting,

  
Karl Falkenberg

Aan de heer  
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COMMISSION EUROPÉENNE  
DIRECTION GÉNÉRALE  
ENVIRONNEMENT

Le directeur général

Bruxelles, le - 1 DEC. 2011  
ENV/C3/AW/pb Ares (2011)

**Objet: Demande d'informations complémentaires concernant la notification belge d'un report de délai pour respecter la valeur limite annuelle fixée pour le NO<sub>2</sub>**

Monsieur l'Ambassadeur,

Par lettre datée du 30 septembre 2011 et enregistrée le 3 octobre 2011 [Ares (2011) 1044479], les autorités belges ont notifié à la Commission européenne le report de délai susmentionné concernant trois zones de qualité de l'air.

Après un premier examen, la Commission a constaté que cette notification est incomplète. Les autorités belges sont donc priées de fournir les informations spécifiées en annexe en vue de permettre à la Commission de déterminer une prise de position concernant ce report de délai. Ces informations doivent être communiquées par la représentation permanente de la Belgique au Secrétariat général de la Commission dans un délai de trois semaines à compter de la date de la présente lettre. La période d'évaluation commencera le jour suivant l'enregistrement officiel des informations demandées par la Commission. Si ces informations ne sont pas communiquées dans le délai imparti, la Commission se réserve le droit de faire valoir des objections à l'encontre des aspects de la notification qui ne sont pas suffisamment fondés et ce, pour des raisons de sécurité juridique, dans les neuf mois suivant l'enregistrement officiel de la notification initiale.

Veillez agréer, Monsieur l'Ambassadeur, l'expression de ma haute considération.

Karl Falkenberg

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## ANNEX

Member States must according to Article 22(4) of Directive 2008/50/EC provide all relevant information necessary for the Commission to assess whether or not the relevant conditions are satisfied. The information considered necessary by the Commission for that purpose has been further specified in Commission Communication COM (2008)403 final and the Staff Working Paper SEC(2008)2132.

In examining the notification of the Belgian authorities, the Commission finds that additional information is required for the assessment. Should, according to the Belgian authorities, any of the requested information already be available in the notified documentation, please provide a precise reference to the relevant document, including page number(s).

The Belgian authorities are asked to provide the information summarised in the table below in order to describe and characterise better the exceedance situation in the relevant zones. If a new version of the Excel forms is provided with the reply to this request, please mark changes in the Excel file, e.g. by using a different background colour in the cells.

The zones concerned by this request for missing information are BEB10a, BEF01S and BEF02A.

### General

Exceedance situation code	Description of information required
BEF01S; BEF02A	In Annex to Form 1 there are currently no web-links for ref6, ref7, ref8 und ref9. Please provide these web-links.
BEB10a	Currently the web link to "reference to the emission inventory" in Form 3A does not link to the relevant report. Please provide a working link or submit an electronic version of this report.
BEB10a	In Form 3A, the total for the regional background is provided, but the percentage contribution of each sub sector (from within Member State, transboundary) is reported as N/A. Please provide an estimate of this partition.
BEF01S; BEF02A	In Form 3A, the total for the regional background is provided, but the percentage contribution of each sub sector (from within Member State, transboundary) is reported as N/A. Please provide an estimate of this partition. Urban background is also missing, please provide the total contribution from urban background and the percentage contribution from each sector, or confirm that the urban background is included in the local contribution.

**First condition: Limit values for NO<sub>2</sub> could not be achieved before the initial attainment date 1 January 2010**

Exceedance situation code	Description of information required
BEF01S; BEF02A	Chapter H6 of Uitstelaanvraag_Luchtkwaliteitsplan_NO2_VL explains which measures did not perform as expected. However, specific information on the contributions at the various exceedance situations, as requested in Form 3B, seems to be missing. Please provide this information, if possible.
BEB10a	Information on the total background level and the street canyon level is given in Form 4B, but quantitative information on other levels is missing. Please provide information on these levels. Please also provide information on the emission scenario (regional sources, local sources).
BEB10a	In Form 5A, the funding and estimation of total costs for measures implemented before 2010 are requested. Please provide this information.
BEB10a, BEF01S; BEF02A	In Form 5A, please fill in the estimated levels, not the measured values, taking into account the combined impacts of all measures on ambient NO <sub>2</sub> levels in 2010 for all exceedance situations.
BEB10a	In Annex to Form 5A, a comment refers to Form 3A. The requested information (impact of measures implemented before 2010 on the NO <sub>x</sub> level) cannot be found in Form 3A. (Some related information can be found in Form 3B). Please provide the information as requested in Annex to Form 5A.
BEF01S; BEF02A	Impact of measures on the urban and local backgrounds are not quantified in Annex to Form 5A and impact of measures are missing in Annex A to Form 7. Please provide numerical values in respective fields in Annex to Form 5A and Annex A to Form 7.
BEB10a	Please fill in timetable of implementation of the measure and when the measure takes full effect in the year of original deadline for compliance.

**Second condition: Conformity with the relevant limit values will be achieved at the latest by expiry of the extended deadline**

Exceedance situation code	Description of information required
BEB10a	From Form 5B and 4B it seems that exceedances of the limit value will remain in 2015, at least in street canyon situations. Please confirm in which year the limit value is projected to be met throughout the zone.
BEF01S; BEF02A	In the letter by the Belgian authorities it is stated that a time extension is notified for 5 years. However, projections in Form 5B indicate that concentrations will be significantly below the limit value in 2015 in zone BEF01S and BEF02A. Therefore, an extension of 5 years may not be needed. Please provide information on when the levels in these zones will comply with the limit value.
BEF01S; BEF02A	The impact of measures on the NO <sub>2</sub> level is given but the split between regional, urban and local background is missing. Please provide this information.
BEB10a	The impact of measures on the NO <sub>2</sub> level in 2015 is missing in Form 5B. A reference is made to Form 3B, but in Form 3B information is given on the expected effects of various measures taken before 2010 only. Please provide the total impact of the measures and the split between regional, urban and local background in 2015.
BEB10a	According to Article 22 (1) of the Directive, information is required as to whether certain measures have been considered for implementation in connection with the attainment of air quality objectives. In Form 6, no information is given related to the measure "low emission fuels for stationary and mobile sources", which is explicitly listed in the Directive. Please provide a specific measure. If not such measures are planned in the respective zones, please provide a justification why this is the case.
BEB10a	In Annex to Form 7B, information on NO <sub>x</sub> emission reduction relative to the baseline and impact of measures on ambient NO <sub>x</sub> concentrations should be given. Please, fill in this information.
BEB10a; BEF01S; BEF02A	Please provide information about the implementation date and date when the measure takes full effect for all measures implemented before the extended deadline for compliance.

Exceedance situation code	Description of information required
BEB10a; BEF01S; BEF02A;	In Annex B to Form 7 it is stated that the impact of individual measures on emissions and ambient concentrations is not calculated. However, in order to assess whether appropriate, effective measures will be taken before the extended deadline, please provide quantitative information on the effects of measures, as far as available.

**Third condition: The air quality plan demonstrates how compliance will be achieved by the expiry of the postponement period and is consistent with the requirements of Part A of Annex XV of Directive 2008/50/EC**

Exceedance situation code	Description of information required
BEB10a	In Annex to Form 1, references to various documents were given, including the air quality plan of 2003. However, it is not clear which document constitutes the current air quality plan including up-to-date measures addressing the NO <sub>2</sub> exceedances. Please clarify which of the referenced document constitutes the current air quality plan which contains all information listed in Annex XV (A) of Directive 2008/50/EC.

**Fourth condition The information in Section B of Annex XV to Directive 2008/50/EC on the status of implementation of community air pollution legislation and on the consideration of the listed pollution abatement measures has been provided.**

Exceedance situation code	Description of information required
BEB10a; BEF01S; BEF02A	From Form 8 of the notification for BEF01S and BEF02A, it follows that non-compliance is projected for the national emission ceiling for emissions of NO <sub>x</sub> . Please rate the importance of this non-compliance related to attaining NO <sub>2</sub> limit values in the various zones/agglomerations. Please justify this rating. The Annex to Form 8 or alternatively a free text format can be used to provide the required information. This information is required for BEB10a as well (although the ceiling reported for Brussels in Form 8 seems to be complied with, non-compliance with the national NO <sub>x</sub> ceiling may have an important impact on NO <sub>2</sub> levels in Brussels).
BEF01S; BEF02A	In Form 9, the air quality plan of 2008 is referenced. Please confirm whether this is the first plan or programme that includes measures for NO <sub>2</sub> or whether another plan/programme was adopted earlier.
BEB10a	In Form 9, it is stated that no IPPC/LCP/WID installations are concerned. For completeness, please confirm whether or not any IPPC, LCP and WID installations jointly contribute > 3 % to the NO <sub>x</sub> (NO <sub>2</sub> ) level at each exceedance situation.