

Comité
N65

Stichting Comité N65 Ondergronds Helvoirt

Helvoirt 29 July 2020

European Agency for the Environment
att. Mr. Hans Bruyninckx,
Kongens Nytorv 6
1050 Copenhagen K, Denmark

Regards: Request for Information or Aarhus complaint

Dear Mr. Bruyninckx,

In the attached mail correspondence ending at 17 April 2020 , you see that we were highly surprised that Catherine Ganzleben as chief of your department for Air Pollution, Environment and Health, accepts Dutch data assessed much farther away from the kerbside than the 10 meter prescribed by the EU Air Quality Directive in Appendix III under C.

We both know that this 10 meter from the kerbside assessment criterion is a cornerstone of the EU Air Quality Directive. The Dutch data interpretation has as obvious consequence that it looks as if air quality limits are not overdrawn but in fact, when assessed within 10 meter from the kerbside, they are. The result is that no short-term action is taken as prescribed by art. 24 of the Directive.

We appreciate of course your efforts to bring this matter to the attention of the European Commission. But as you can see here <[http://www.n65.nl/Civiel/EU-commissie-Chap\(2019\)2512-2.pdf](http://www.n65.nl/Civiel/EU-commissie-Chap(2019)2512-2.pdf)> the European Commission regrettably supports the view of the Dutch Government. And that view evidently contradicts your technical guide¹ interpreting the EU Air Quality Directive. We believe that the interpreting of your technical guide is the only possible correct interpretation of the EU Air Quality Directive. If that is true the interpretation of the European Commission must be a blatant violation of the EU Air Quality Directive.

We both agreed that interpreting the EU Air Quality Directive is a prerogative of the European Court of Justice (ECJ). We believe that when the EEA and the European Commission disagree on such an important cornerstone of the EU Air Quality Directive, it is your duty to raise questions at the European Court of Justice. We hope you agree and confirm us to raise these questions asap.

With kind regards,

Corneel Spil, Chairman Committee N65OH

¹ <https://www.eea.europa.eu/publications/fairmode/download>