



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate E - Implementation & Support to Member States
ENV.E.2 - Environmental Implementation

17 FEB. 2017

Brussels,
CHAP (2016) 3291

Mr. Corneel SPIL
On behalf of Comité N65 OH
Email: secretariaat@n65.nl

Subject: closure of your complaint file on measuring air quality at the N 65 road.

Dear Mr. Spil,

Thank you very much for your letter of 30 January 2017 concerning your complaint CHAP (2016) 3291. In your letter you reacted to our letter of 22 January 2017 in which we indicated that we would close your complaint file without follow up unless you would provide us with relevant new information.

We have taken good note of the arguments set out in your latest letter, but in view of the reasons set out in the below we have concluded that there are no grounds that would justify further action by the Commission.

You refer in your letter to the absence of a reference to 'macroscale siting of sampling points' in Article 22 of the Dutch legislation on air quality assessment (the RBL) which in your view leads to the mixing-up of the criteria established by Sections B and C of Annex III of the Ambient Air Quality Directive 2008/50/EC (hereafter: the Directive) in the Dutch legislation.

While this may be the case, we don't see how this would affect the obligations set out in the Directive. Annex III contains a logical consecutive order by which Section B sets out the criteria to define the 'geographical' location of the 'sampling points' (or rather of the monitoring stations), while Section C defines how the samples have to be taken once the geographical location of the monitoring stations has been defined. It is therefore our view that the criteria of Section B are to be applied before those in Section C. The fact that the chapeau of Section C reads 'in so far as practicable' further confirms our interpretation that in practice it may happen that when applying the criteria in Section B to identify the location of the monitoring station, full application of the criteria in Section C would not have to be guaranteed under all circumstances. This may imply that after having considered criteria (a) and (b) of Section B, the monitoring station can be situated at a location which prevents the taking of sampling probes at no more than 10m from the kerbside of the road.

Furthermore, in the case of modelling air quality as opposed to carrying out fixed measurements, Section A point 1 of Annex III leaves Member States additional

discretion to identify the specific location in which pollutant concentrations are established by stating that the principles of Sections B and C shall apply 'in so far they are relevant'.

It should also be noted that the Directive does not set out requirements for sampling points that are not part of the official national monitoring network of a Member State (e.g. those used to calibrate and validate air quality models).

Consequently, we cannot conclude that you have brought relevant new arguments justifying further action by the Commission. We have therefore closed the file without follow up action on our side.

Nevertheless we would like to inform you that the Commission intends to monitor and, if necessary, enforce the correct siting of sampling points (macro and micro scale siting) that constitute the official air quality monitoring network of all the Member States. It also intends to assess the quality of the data resulting from air quality modelling (if submitted by the Member State as part of their annual air quality reporting).

Kind regards,

A handwritten signature in black ink, appearing to read 'Ion Codescu', with a long horizontal flourish extending to the right.

Ion Codescu

Head of Unit