



**COMISIA EUROPEANĂ**  
DIRECȚIA GENERALĂ  
MEDIU  
Directorul General

Bruxelles, **30 JUNI 2010**  
DG ENV.C3/AW/bt Ares (2010)

**DI Mihnea MOTOC**

Ambasador extraordinar și plenipotențiar  
Reprezentant Permanent al României pe  
lângă Uniunea Europeană  
12, rue Montoyer  
B-1000 Bruxelles

**Obiect: Întrebări privind notificarea de către România a unei exonerări de la obligația de aplicare a valorilor-limită pentru PM<sub>10</sub>**

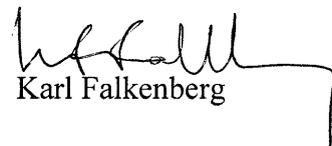
Domnule ambasador,

Prin scrisoarea înregistrată la 29 martie 2010 cu numărul ARES(2010) 165734, România transmitea Comisiei Europene o notificare privind o exonerare, în temeiul articolului 22 alineatul (2) din Directiva 2008/50/CE, de la obligația de aplicare a unor valori-limită zilnice pentru PM<sub>10</sub> în cazul a unsprezece zone de calitate a aerului.

În urma unei examinări inițiale, Comisia a constatat că notificarea este incompletă. Prin urmare, vă rugăm să aveți amabilitatea de a solicita autorităților române să prezinte informațiile menționate în anexă, pentru a facilita stabilirea poziției Comisiei cu privire la aceste exonerări.

Informațiile în cauză trebuie transmise Secretariatului General al Comisiei în termen de trei săptămâni de la data prezentei. Perioada de evaluare va începe să curgă din ziua următoare înregistrării oficiale de către Comisie a informațiilor solicitate care completează notificarea. În cazul în care informațiile solicitate nu sunt prezentate în termenul stabilit, Comisia își rezervă dreptul de a formula, în termen de nouă luni de la data înregistrării oficiale a notificării inițiale, din motive de siguranță juridică, obiecții privind aspectele din notificare ce nu au fost suficient justificate.

Cu deosebită stimă,

  
Karl Falkenberg

## 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 Romanian Authorities, the Commission finds that additional information is required for the assessment. Should, according to the Romanian 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).

This request for missing information concerns all 11 zones included in the notification, namely RO0101 (Iasi), RO0199 (Bacau), RO0302 (Ploiesti), RO0399 (Urziceni), RO0401 (Craiova1), RO0499 (Drobeta), RO0601 (Cluj), RO0602 (Baia Mare), RO0701 (Brasov), RO0798 (Copsa Mica), RO0801 (Bucuresti).

## 1. General

The Romanian 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.

Exceedance situation code	Description of information required
RO0401 PM10_z_02; RO0401 PM10_a_02	Currently the web link to "PROGRAM INTEGRAT" provided in the annex to form 1 does not link to the relevant report. Please provide a link directly to this report or submit an electronic version of the report.
RO0701 PM10_z_01m; RO0701 PM10_a_01m	The "HARTA" document listed on the annex to form 1 has not been included in the notification for Brasov. Please either a) confirm that this document is the same as the document of the same name submitted for the other zones, or b) submit the missing document.
RO0101 PM10_z_02; RO0101 PM10_a_02; RO0401 PM10_z_02; RO0401 PM10_a_02; RO0601 PM10_z_01; RO0601 PM10_a_01; RO0801 PM10_z_02; RO0801 PM10_a_02; RO0801 PM10_z_04; RO0801 PM10_a_04	Only one monitoring site is listed as exceeding in the notification for each of these zones. Airbase data suggests that there are additional sites in these zones also exceeding the PM <sub>10</sub> limit values. It also shows that in some cases the other sites show bigger exceedances of the limit values than the site included in the notification. Please clarify whether the other sites Airbase shows as exceeding should be included in the forms and if that is the case update forms 2, 3A, 4A and 4B accordingly. If there is some reason that these sites are not relevant to the notification, please provide it.  If siting of the sampling points is appropriate but data quality objectives may not have been respected, indicate how the data has been used in the assessment of air quality throughout the zone (as indicative measurement or objective estimation) that should ensure that all areas in exceedance within the zone are identified.
RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m	No monitoring sites are listed as exceeding in form 2 for these zones. However, Airbase suggests that there are one or more sites in each of these zones that exceeded the limit values in 2007 or 2008. Please clarify whether a) the other sites Airbase shows as exceeding should be included in the forms, or b) there is some reason that these sites are not relevant to the notification. If a) applies, please update forms 2, 3A, 4A and 4B accordingly. See also comment in the row above.
RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m;	Please give quantitative information on PM <sub>10</sub> levels for each exceedance situation (i.e. both the annual and daily exceedance situations). It is not sufficient to state "> limit value". This information is required to a) demonstrate that a time extension is required (i.e. that the zone is not already in compliance) and b) to show how big the compliance gap is in the zone. Please also

Exceedance situation code	Description of information required
RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m	describe how this information has been derived. If it is available in reports already included in the notification, please provide page references where these data can be found.
RO0101 PM10_z_02; RO0101 PM10_a_02; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0401 PM10_z_02; RO0401 PM10_a_02; RO0801 PM10_z_02; RO0801 PM10_a_02; RO0801 PM10_z_04; RO0801 PM10_a_04	Please provide a detailed break down into regional background, urban background and local sources in form 3A (i.e. replace UNAVAILABLE with data, even if this is only a rough estimate). This information is required in order to assess whether the measures taken are relevant to the exceedance situation and can ensure compliance by the extended deadline. Please provide for daily and annual exceedance situations. If the annual source apportionment given also applies for the exceedance of the daily limit value, please state this clearly.
RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m	Please provide a detailed break down of regional background, urban background and local sources in form 3A, even if this is only a rough estimate. This information is required in order to assess whether the measures taken are relevant to the exceedance situation and can ensure compliance by the extended deadline. Please provide for daily and annual exceedance situations.
RO0601 PM10_z_01; RO0601 PM10_a_01	Please clarify why a source apportionment has been given for 2008 and not for 2007, which is the reference year for the notification. Please confirm that the percentage split provided for 2008 applies for 2007 as well.

**2. First condition - measures to achieve compliance with the limit values for PM<sub>10</sub> before the initial attainment date**

Exceedance situation code	Description of information required
All	Please fill in form 3B. Same information can be provided by including information in Form 4A, Annex to Form 5A and Annex A to Form 7 by listing the baseline level projected for 2005 and specific measures which were planned and actually taken before the original deadline/accession date.

Exceedance situation code	Description of information required
	<p>In Form 3B or in Form 5A provide the list of measures implemented before the original deadline (indicate no measures were taken) for all and not just for some zones. For all zones include the expected/actual effect of these measures on PM<sub>10</sub> emissions (only total baseline emissions and not emission reduction is provided for some zones), impact on PM10 levels in ambient air, and reasons why they have not delivered compliance by the original deadline.</p> <p>Alternatively, please provide documentation with this same information that demonstrates a) that compliance was expected by the original deadline, b) that all appropriate measures have been taken and c) that either the measures failed to deliver as expected or that some other factor not anticipated by the Member State is responsible for the exceedance.</p>

**3. Second condition – non-compliance is due to site-specific dispersion characteristics, adverse climatic conditions and/or transboundary contributions**

Exceedance situation code	Description of information required
RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m	<p>Form 10 uses wind speeds of &lt;1.5 m/s at monitoring sites as evidence of adverse climatic conditions. However, these sites are not mentioned as exceeding in Form 2, so it is unclear whether data from them is relevant to the exceedance situation contained in the notification. Please confirm explicitly for each exceedance situation that the measurement sites are a) located within the area of exceedance, or b) are meteorological representative of the exceedance area.</p>
RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0798 PM10_z_01m;	<p>Please provide information such as daily wind speed at the days in exceedance to demonstrate that the daily limit value is principally exceeded when adverse climatic conditions (i.e. low wind speeds) occur.</p>

Exceedance situation code	Description of information required
RO0798 PM10_a_01m	

**4. Third condition – measures to achieve compliance with the limit values for PM<sub>10</sub> before the new deadline in June 2011**

Exceedance situation code	Description of information required
RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m; RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0101 PM10_z_02; RO0101 PM10_a_02; RO0401 PM10_z_02; RO0401 PM10_a_02	Please provide baseline projections of PM <sub>10</sub> levels for 2011 in Form 4B, including information (may be a link to a reference document) of how the projections have been calculated. Alternatively, please provide a justification for why 2008 measured and/or modelled levels are considered to be representative of 2011 levels. Please note that projections are required for both daily and annual limit values.
RO0101 PM10_z_02; RO0101 PM10_a_02; RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0401 PM10_z_02; RO0401 PM10_a_02; RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0601 PM10_z_01; RO0601 PM10_a_01; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m	Please fill in Annex B to form 7, including the marginal impacts of measures taken before the extended deadline for compliance in 2011.
RO0801 PM10_z_02;	Please confirm that the information provided under row

Exceedance situation code	Description of information required
RO0801 PM10_a_02; RO0801 PM10_z_04; RO0801 PM10_a_04	»Implementation date« already provides information on a date when the measure takes full effect and if appropriate provide other key dates for each measure.
RO0101 PM10_z_02; RO0101 PM10_a_02; RO0798 PM10_z_01m; RO0798 PM10_a_01m; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0401 PM10_z_02; RO0401 PM10_a_02; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0601 PM10_z_01; RO0601 PM10_a_01	Please fill in the estimated levels and combined impacts of measures on ambient PM <sub>10</sub> levels in form 5B and annex to form 5B. This information is required to demonstrate that compliance can be achieved by the final deadline.
RO0801 PM10_z_02; RO0801 PM10_a_02; RO0801 PM10_z_04; RO0801 PM10_a_04	Please provide the split of total impact of measures for each exceedance situation in the annex to Form 5B. In Form 5B, please provide for the exceedances of the daily limit value the estimated level in the years when the limit value has to be met (extended deadline), taking into account the additional measures.
All	Please clarify whether the information given in the air quality plans regarding the cost of measures refers to the allocated funding for each measure, or to the estimated cost of the measure. Please ensure that both estimated cost and allocated funding is either given in the forms, or can be found in the air quality plan (if in the plan, please ensure page numbers are given).
All	Please state what the total area covered by the emissions estimate given in annex to form 5B is (including units). Please also provide information on the emissions reduction resulting from measures taken for the same spatial area.

**5. Fourth condition – Air Quality Plan & consistency with requirements of Part A of Annex XV of the Directive**

Exceedance situation code	Description of information required
RO0101 PM10_z_02; RO0101 PM10_a_02; RO0401 PM10_z_02; RO0401 PM10_a_02; RO0601 PM10_z_01; RO0601 PM10_a_01; RO0801 PM10_z_02; RO0801 PM10_a_02; RO0801 PM10_z_04; RO0801 PM10_a_04	Both "PROGRAM INTEGRAT" and "PLAN" seem to contain information that should be found in an air quality plan. Please confirm whether "PROGRAM INTEGRAT", "PLAN" or both documents combined constitute the air quality plan for the exceedance area.
RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m	Please confirm whether the air quality plan submitted as part of this notification has been formally adopted by the competent authorities. If the air quality plan has not been formally adopted, please identify the steps and timing of the formal adoption. Please clarify if the current plan can be considered a formal commitment in its entirety, in particular as regards the implementation of identified measures.

**6. Fifth condition – Status of implementation of Community air pollution legislation in Part B of Annex XV of the Directive and consideration of certain measures in section 3 of Part B of Annex XV of the Directive**

Exceedance situation code	Description of information required
All	Please confirm whether measures listed for one exceedance situation apply for both/all exceedance situations in these forms. If not, please fill this form in for both exceedance situations.
All	Please ensure that next to each measure description in form 6 either: a) a measure code is given, or b) a justification for why this type of measure is not relevant is given.
All	Please enter complete information on the implementation of Directives in form 8 a-d. For point a, please either enter the date of notification for each directive, or state clearly why this is not available. For point b, please give the reference to the national legislation or state clearly why this is not available. For point c, please state whether there is an infringement procedure or not,

Exceedance situation code	Description of information required
	or state clearly why this information is not available. For point d, please state whether there is a derogation or not, or state clearly why this information is not available.
All	Please fill in the annex to form 8 for all the directives listed in form 8 that have not been completely implemented. This is important for demonstrating that failure to implement directives has not had a significant impact on PM <sub>10</sub> levels in the exceedance situation.
RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m	Please give date of first adoption of plan or programme that includes measures related to the pollutant in question. Alternatively, please explain why this information is not available.
All	Please give the date of first adoption of short term action plan in form 9 point b. Alternatively, please explain why this information is not available.
RO0399 PM10_z_01m; RO0399 PM10_a_01m	Please list installations with permit conditions allowing higher emissions than BAT level (see form 9 point c).
RO0499 PM10_z_01m; RO0499 PM10_a_01m	Please state which installation the numbers regarding waste gas concentrations (mg/Nm <sup>3</sup> ) and overall emissions (t/year) between the current emissions of the installation and those BAT levels in form 9 point c refer to.
RO0601 PM10_z_01; RO0601 PM10_a_01	Please state whether all installations comply with BAT (see form 9 point c).
RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m	Please fill in the information on the LCP Directive requested in form 9 point d. Alternatively, please explain why this information is not available.
RO0701 PM10_z_01m; RO0701 PM10_a_01m	Please list installations which comply with the LCP Directive or explain why this information is not available.
RO0101 PM10_z_02; RO0101 PM10_a_02;	Please fill in the information on the Waste Incineration Directive requested in form 9 point e. Alternatively, please explain why

Exceedance situation code	Description of information required
RO0199 PM10_z_01m; RO0199 PM10_a_01m; RO0302 PM10_z_01m; RO0302 PM10_a_01m; RO0399 PM10_z_01m; RO0399 PM10_a_01m; RO0401 PM10_z_02; RO0401 PM10_a_02; RO0499 PM10_z_01m; RO0499 PM10_a_01m; RO0602 PM10_z_01m; RO0602 PM10_a_01m; RO0701 PM10_z_01m; RO0701 PM10_a_01m; RO0798 PM10_z_01m; RO0798 PM10_a_01m	this information is not available.
RO0601 PM10_z_01; RO0601 PM10_a_01; RO0801 PM10_z_02; RO0801 PM10_a_02; RO0801 PM10_z_04; RO0801 PM10_a_04	Please list installations which comply with the Waste Incineration Directive or explain why this information is not available.