



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate C - Quality of Life, Water & Air
ENV.C.3 - Air & Industrial Emissions

Brussels,
ENV.C.3/MG/dp ARES(2014)

Mr. Simon Birkett
Founder and Director
Clean Air in London
Per email: [REDACTED]

Subject: Your email dated 14 October 2013

Dear Mr. Birkett,

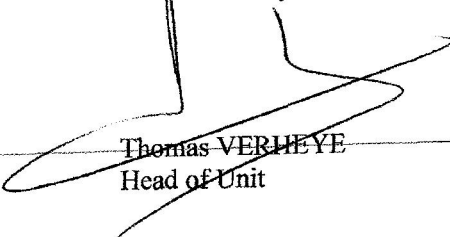
Thank you for your letter of 14 October by which you seek clarification on certain provisions of Directive 2008/50/EC, and my apologies for the delay in replying.

The authoritative interpretation of EU law is the prerogative of the EU Court of Justice; subject to this caveat, your understanding of the Directive largely coincides with the way we would interpret the relevant provisions, if requested by the Court. In particular:

1. The obligation to achieve compliance with the limit values includes the obligation to maintain such air quality status once compliance is achieved (Article 13, first paragraph).
2. With the only three exceptions listed in Annex III (Section A, paragraph 2), limit values must indeed be complied with throughout the territory of any given air quality zone, and compliance should not be determined nor assessed as an "average" of concentrations measured in different locations within the same zone.
3. Unlike target values, which create an objective to be achieved "where possible" or "where not entailing disproportionate costs", limit values create an obligation of result which is unconditional and absolute, irrespective of costs (Article 2, paragraphs 5 and 9).
4. Where air quality is already good, Article 12 of the Directive applies. This provision spells out in legal terms the "non-deterioration" principle, according to which Member States shall not only maintain the levels below the limit values, but also "endeavour to preserve the best ambient air quality compatible with sustainable development".

Finally, I have no objections to the disclosure or dissemination of this letter, to whom it might concern.

Yours sincerely,


Thomas VERHEYE
Head of Unit