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Subject:	Commission Directive (EU) .../... of XXX amending several annexes to Directives 2004/107/EC and 2008/50/EC laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality

Delegations will find attached document D038203/04.

Encl.: D038203/04



EUROPEAN  
COMMISSION

Brussels, **XXX**  
D038203/04  
**[...]**(2015) **XXX** draft

**COMMISSION DIRECTIVE (EU) .../...**

**of **XXX****

**amending several annexes to Directives 2004/107/EC and 2008/50/EC laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality**

# COMMISSION DIRECTIVE (EU) .../...

of **XXX**

**amending several annexes to Directives 2004/107/EC and 2008/50/EC laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air<sup>1</sup>, and in particular Article 4(15) thereof,

Having regard to Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe<sup>2</sup>, and in particular Article 28(1) thereof,

Whereas:

- (1) In accordance with Article 4(15) of Directive 2004/107/EC, as amended by Regulation 219/2009/EC, the Commission is empowered to amend certain provisions of Annexes IV and V.
- (2) Annex IV to Directive 2004/107/EC, lays down data quality objectives that need to be updated in order to achieve better clarity.
- (3) Annex V to Directive 2004/107/EC lays down the reference methods for assessment of concentrations, and such methods should be updated in order to reflect the development of the relevant standards.
- (4) In accordance with Article 28(1) of Directive 2008/50/EC the Commission is empowered to amend certain provisions of Annexes I, III, VI and IX.
- (5) Section C of Annex I to Directive 2008/50/EC lays down criteria for the quality assurance for ambient air quality assessment, which need to be clarified and complemented taking into account the quality assurance programmes organised by the Commission's Joint Research Centre and introducing the obligation of reviewing the quality control system in order to ensure the continued accuracy of monitoring devices.

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<sup>1</sup> OJ L 23, 26.1.2005, p. 3.

<sup>2</sup> OJ L 152, 11.6.2008, p. 1.

- (6) Sections C and D of Annex III to Directive 2008/50/EC lay down criteria for the siting of sampling points, which need to be clarified and complemented in the light of the experience gained in implementing the Directive.
- (7) Section A of Annex VI to Directive 2008/50/EC lays down the reference method for the measurement of certain pollutants, which need to be adapted having regard to the experience gained in implementing the Directive and taking into account the most recent standards for the sampling and measurement of particulate matter.
- (8) In accordance with the Joint Political Declaration of Member States and the Commission of 28 September 2011 on explanatory documents<sup>3</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Ambient Air Quality Committee,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

Annexes IV and V to Directive 2004/107/EC are amended in accordance with Annex I to this Directive.

#### *Article 2*

Annexes I, III, VI and IX to Directive 2008/50/EC are amended in accordance with Annex II to this Directive.

#### *Article 3*

The provisions of this Directive should be read in conjunction with those of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products, in particular as regards the accreditation of conformity assessment bodies, and do not introduce any derogation or exception to the above Regulation.

#### *Article 4*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2016 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

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<sup>3</sup> OJ C 369, 17.12.2011, p. 14.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### *Article 5*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

#### *Article 6*

This Directive is addressed to the Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Jean-Claude Juncker*