



Brussels, 27.10.2023
C(2023) 7156 final

COMMISSION DELEGATED DIRECTIVE (EU) .../...

of 27.10.2023

**amending Directive (EU) 2016/2284 of the European Parliament and of the Council on
the methodology for the reporting of projected emissions of certain atmospheric
pollutants**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

As part of the European Green Deal¹ and the zero pollution action plan², the EU is aiming to reduce air pollution and streamline data gathering efforts underpinning its related policy initiatives. This specific action aims to make the outlook on air pollution more accurate, comparable and coherent with international agreements. It will further strengthen the input to the regular zero pollution monitoring and outlook report³ as part of the 8th environment action programme monitoring.

This Commission Delegated Directive amends Annexes I and IV of Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (the NEC Directive), as regards the methodology of the reporting of projected emissions. The purpose of the amendment is to adapt to developments under the framework of the Convention on Long-Range Transboundary Air Pollution (the LRTAP Convention).

Articles 8(2) and 10(2) of the NEC Directive require Member States to prepare and update every two years national emission projections for certain pollutants and to send them to the Commission and to the European Environment Agency. Its Articles 8(2) and 8(5) and related Annexes I and IV establish the list of pollutants concerned and the methodologies to prepare and update emission projections. Annexes I and IV provide that emission projections should be aggregated to relevant source sectors.

Article 10(2) also provides that the reporting should be consistent with the reporting under the LRTAP Convention. Paragraph 27 of the Guidelines for Reporting Emissions and Projections Data under the Convention on Long-range Transboundary Air Pollution, as adopted at the 32nd session of the Conventions' Executive Body (9-13 December 2013), also required the parties to the Convention to estimate and aggregate the emission projections to the relevant source sectors.

The LRTAP Convention recently updated its Guidelines for Reporting Emissions and Projections Data under the Convention on Long-range Transboundary Air Pollution by decision of the Executive Body at its 42nd session, 12-16 December 2022 (Decision 2022/1, Adoption of the updated Guidelines for Reporting Emissions and Projections Data under the Convention on Long-range Transboundary Air Pollution) (the revised Reporting Guidelines).

The revised Reporting Guidelines establish that the reporting of projections must follow the format set out in Annex IV to the revised Reporting Guidelines (Paragraphs 27, 41(b) and 46). The structure of the template provided in Annex IV corresponds to the structure of the template for reporting emission inventories set out in Annex I to the revised Reporting Guidelines. This means that emission projections should be reported following the individual nomenclature for reporting (NFR) source categories.

According to Annex IV, second paragraph, of the NEC Directive, the reliance upon the LRTAP Convention Reporting Guidelines is without prejudice to the additional arrangements set out in Annexes I and IV to the NEC Directive. Annex IV requires Member States to report their emission projections at the level of aggregated NFR source sectors. Since the revision of the LRTAP Convention Reporting Guidelines, the level of detail in the reporting of emission

¹ COM(2019) 640.

² COM(2021) 400.

³ COM(2022) 674.

projections required under the LRTAP Convention is higher than the one required under the NEC Directive. This creates a situation where the reporting of emission projections under the NEC Directive is less demanding and follows a different template than the reporting under the LRTAP Convention.

Moreover, the level of reporting under the new template for emission projections provided by the revised Reporting Guidelines corresponds to the level of reporting of emission inventories provided in Annex I to the revised Reporting Guidelines and required also under Article 8(1) of the NEC Directive. To ensure comparability and consistency, there is merit in aligning the reporting of the emission inventories and projections required under the NEC Directive.

The next reporting of emission projections is due in 2025. This Delegated Directive will adapt the wording of Annexes I and IV to the NEC Directive to ensure that reporting requirements for emission projections are consistent with the revised Reporting Guidelines in view of the next reporting deadline. Therefore, the level of aggregation required for emission projections reporting under the NEC Directive will be aligned with the level of aggregation required for emission inventories.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

This Delegated Directive was presented to the Ambient Air Quality Expert Group (E02790) at its meeting of 20 April 2023. The experts were consulted at that meeting and were given two weeks to send written comments on the draft delegated directive. The draft delegated directive was slightly adjusted to reflect the views of the expert group.

The public was also consulted during a 4-week public consultation that was published on the EU Have your say portal in line with the Better Regulation guidelines. The consultation was open to all. Three contributions were received (one from a citizen, one from a non-governmental organisation and one from a public authority). The text of the draft delegated directive was not amended following the public consultation.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This Delegated Directive amends Annexes I and IV of Directive (EU) 2016/2284 with regard to developments, including technical and scientific progress, under the framework of the LRTAP Convention, on the methodology for reporting projected emissions.

In line with the delegation of power and the procedure established respectively in Articles 8(7) and 16 of the NEC Directive, the legal instrument is a Commission Delegated Directive. This Delegated Directive amends Annexes I and IV to comply with the level of reporting detail required by the revised Reporting Guidelines. This implies that emission projections should be reported by individual NFR source categories and not at aggregate sectors level as provided in the current NEC Directive.

This Delegated Directive has no implications for the EU budget.

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC¹, and in particular Article 8(7) thereof,

Whereas:

- (1) Article 8(2) of Directive (EU) 2016/2284 requires Member States to prepare and update every two years national emission projections for the pollutants set out in Table C of Annex I to that Directive, in line with the requirements set out in that Directive.
- (2) Article 8(5) of Directive (EU) 2016/2284 provides that national emission projections should be prepared and updated in line with the requirements set out in Annex IV to that Directive and, to be estimated and aggregated to relevant source sectors.
- (3) Emission projections should be reported to the Commission and to the European Environment Agency in line with Article 10(2) of Directive (EU) 2016/2284. This reporting is to be consistent with the rules on reporting provided for in the United Nations Economic Commission for Europe (UNECE) Convention on Long-Range Transboundary Air Pollution of 1979² (the LRTAP Convention).
- (4) The reporting requirements under the LRTAP Convention are established by the Guidelines for Reporting Emissions and Projections Data under the Convention on Long-Range Transboundary Air Pollution (Reporting Guidelines). The Convention Executive Body revised those Reporting Guidelines at its 42nd session in December 2022³ modifying the requirements for reporting emission projections. Under paragraph 27, paragraph 41(b) and paragraph 46 of the revised Reporting Guidelines, projected emissions should be reported using the template set out in Annex IV to those Reporting Guidelines. That template corresponds to the structure of the template for emission inventories reporting, which means that emission projections should be reported following the individual nomenclature for reporting (NFR) source categories as provided for in the LRTAP Convention.

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¹ OJ L 344, 17.12.2016, p. 1.

² Convention on long-range transboundary air pollution (OJ L 171, 27.6.1981, p. 13).

³ Guidelines for Reporting Emissions and Projections Data under the Convention on Long-range Transboundary Air Pollution of the Executive Body for the Convention on Long-range Transboundary Air Pollution (ECE/EB.AIR/125, Executive Body decisions 2013/3 and 2013/4), as amended at its 42nd session in December 2022.

- (5) Since the 2022 revision of the Reporting Guidelines, the level of aggregation of emission projections required under Directive (EU) 2016/2284 is no longer in line with the reporting requirements set out in the LRTAP Convention. The template set out in Annex IV to the revised Reporting Guidelines requires a greater level of detail, corresponding to the level of reporting for emission inventories required by Annex I to the revised Reporting Guidelines and by Article 8(1) of Directive (EU) 2016/2284. To improve comparability and consistency, it is appropriate to adjust the reporting of the emission projections set out in Directive (EU) 2016/2284 to the reporting of emission inventories required under Directive (EU) 2016/2284.
- (6) Annexes I and IV to Directive (EU) 2016/2284 should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and IV to Directive (EU) 2016/2284 are amended in line with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2024. They shall forthwith communicate to the Commission the text of those provisions.

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 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27.10.2023

For the Commission
The President
Ursula VON DER LEYEN