



Informing you on ambient air quality
in the Belgian Regions

Flanders

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MILIEUMAATSCHAPPIJ



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Wallonia



airclimat.wallonie.be

**A recent court decision in
Flanders : implications on
FAIRMODE work ?**

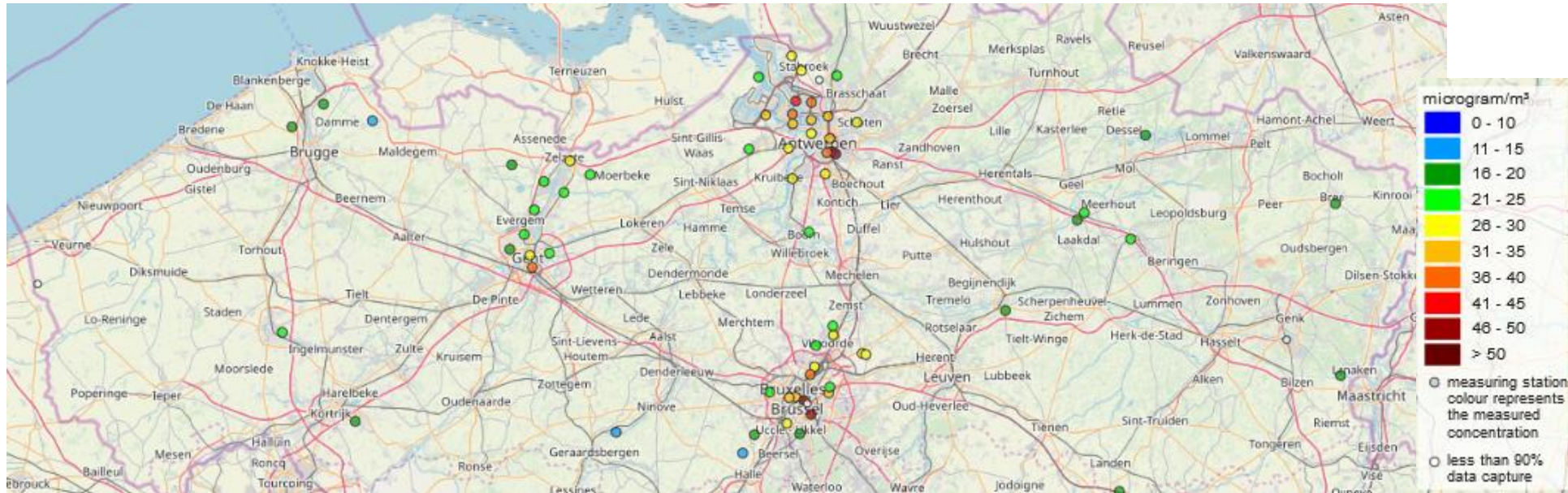
Outlook :

- **Information on NO₂ 2017 in FLA**
- **Letter of formal notice EU COM BE NO₂**
- **Court cases (FLA, BRU, WAL)**
- **Court decision FLA**
- **Implications FAIRMODE?**

Information :

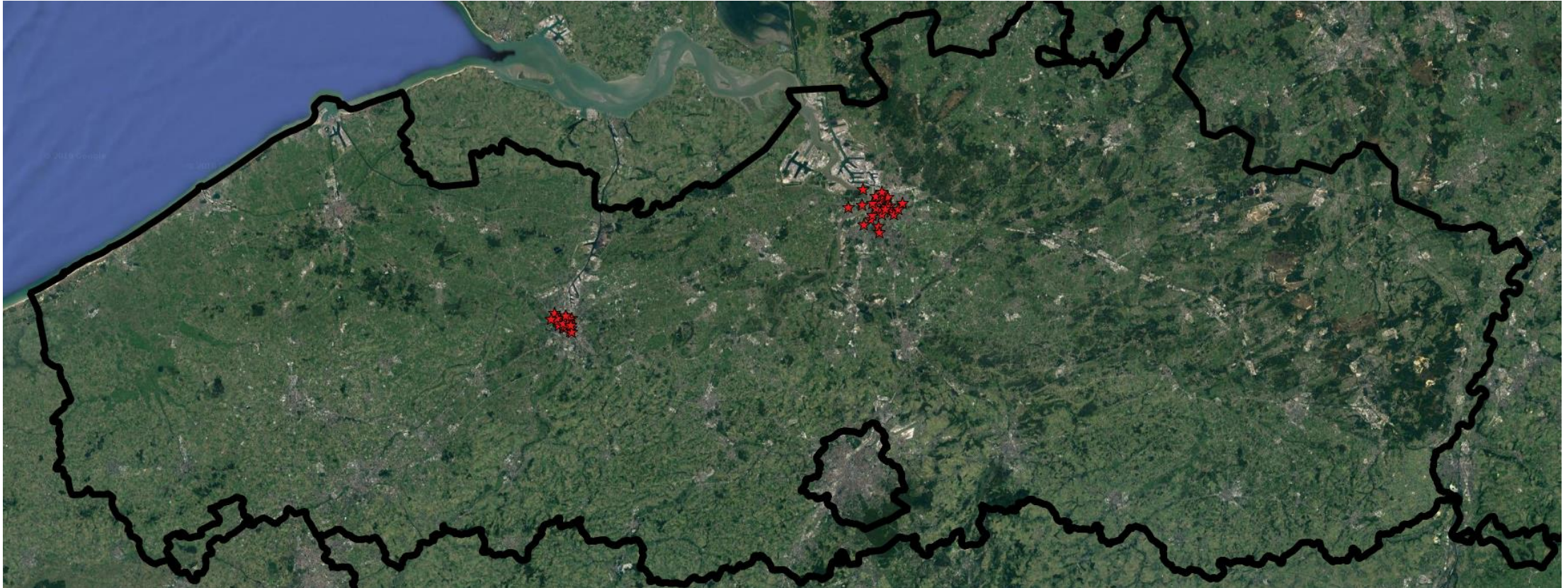
Fixed measurements

Annual mean NO₂ -concentrations 2017

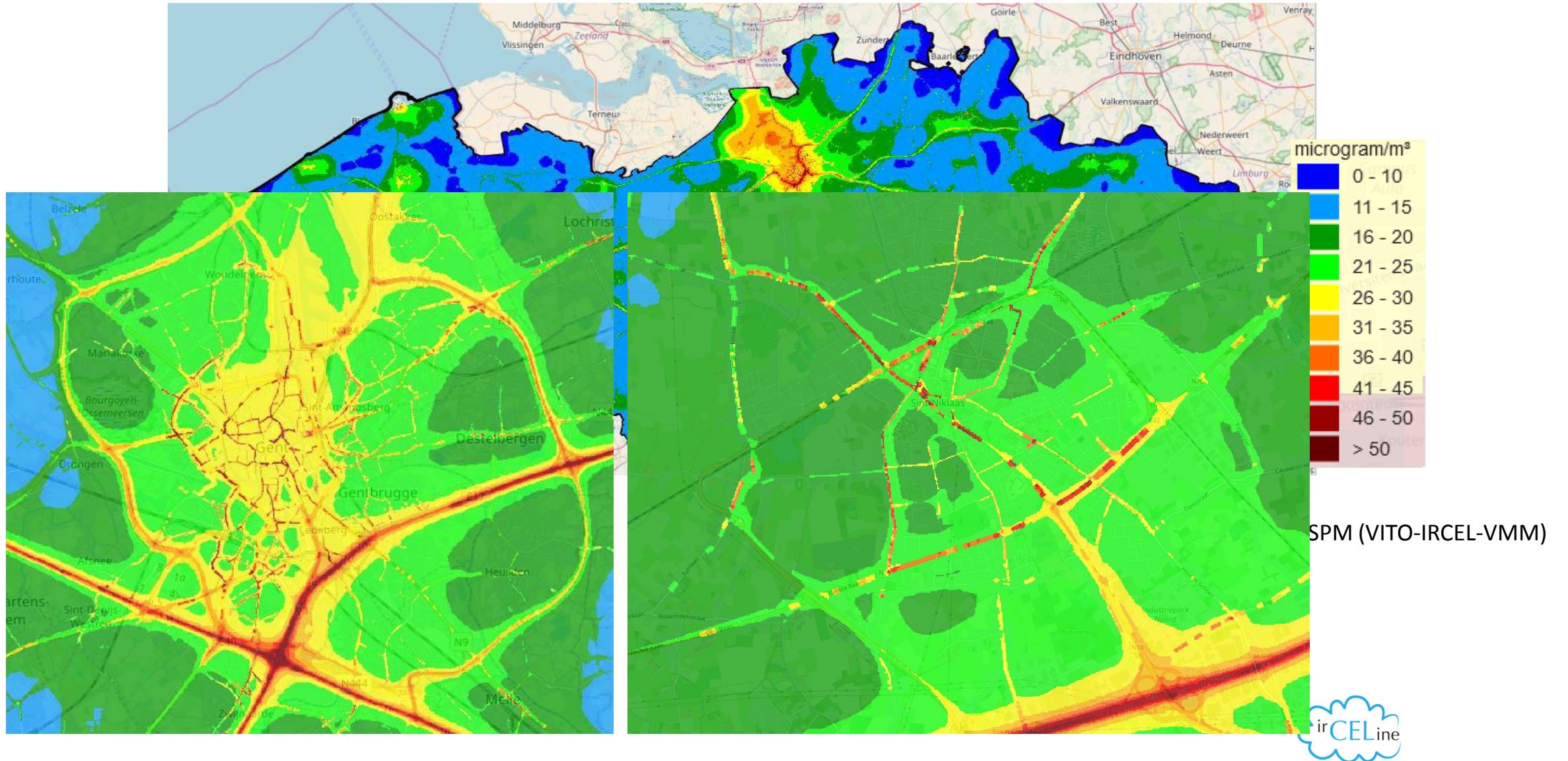


www.irceline.be

Information :
Indicative measurements (passive samplers)
Annual mean NO₂ -concentrations 2017



Information : ATMO-Street model Annual mean NO₂ -concentrations 2017



BELGIUM

WHO ? EU COM (8.11.2018)

WHAT ?

- NO₂ annual limit values exceeded in 2 air quality zones
- Questions concerning air quality plans (measures) and on ability to tackle NO₂ on the short term
- Questions on siting air quality monitoring stations

ARGUMENTS used a.o. by EU COM :

- Model results suggest that NO₂ problem is larger than assessed by only fixed monitoring stations
- Fixed monitoring stations should be installed where people can be exposed to the highest concentrations (siting monitoring sites were compared with model results)

FLANDERS

WHO ? Greenpeace, but in the meanwhile also other ngo's/citizens like StRATen-generaal, Luchtzaak (to in 2019)

WHAT ?

- NO₂ limit values exceeded in 2016
- urgency to tackle air pollution on the short term
- representative monitoring

JUDGE :

- 2017 exceedance of NO₂
- air quality plan within 1 year for the zones in exceedance
- Obligation to report model results/indicative measurements (2017) within 3 months AND obligation to use these for assessment of the AQ in Flanders

BRUSSELS

WHO ? Client Earth + citizens

WHAT ?

- lack of representative NO₂- measurements

JUDGE :

- BRU should invest more to tackle air quality
- “*prejudicial*” questions were forwarded to the EU-court of Justice
 - Can a national court investigate / impose to adjust the locations of monitoring stations ?
 - AQ-zone in exceedance:
 - Average NO₂ (all monitoring stations) in the zone > limit value?
 - As soon as NO₂ in at least 1 station > limit value?

WALLONIA

WHO ? Greenpeace

WHAT ?

- NO₂ limit values exceeded in 2017 near schools based on Greenpeace measurements (passive samplers)
- No representative NO₂ monitoring (no street canyons)
- Demand model results and indicative NO₂ measurements

JUDGE :

- Referred to BRU CASE: wait answer EU Court Justice

IMPLICATIONS OF THE COURT DECISION FOR FAIRMODE ?

STIJN JANSSEN

EXTRACTS FROM THE COURT DECISION

Source: https://www.rechtbanken-tribunaux.be/sites/default/files/public/content/download/files/greenpeace_vlaamsgewest101018.pdf (in Dutch only)

- *The **Air Quality Directive stipulates that the measuring method must in principle be fixed measurements, but that it is not necessary to limit this: the **fixed measurements can be supplemented with modeling techniques** and / or indicative measurements to provide adequate information about the spatial distribution of the air quality.***
- *In the light of the objectives of the Air Quality Directive it is **self-evident** that if data is collected via other (**reliable and within the requirements of the Air Quality Directive**) techniques than fixed measurements, **this data must be included** in the design of a policy, **the implementation of the Air Quality Directive** and for assessing air quality levels.*

EXTRACTS FROM THE COURT DECISION

- ***If information from indicative measurements and modeling is available, it must also be used. It would go against the intention of the Air Quality Directive and the general duty of the government, to not make use of relevant - authorized and regulated - information that gives addition understanding of the air quality situation.***

EXTRACTS FROM THE COURT DECISION

- *The **information obtained by the modeling techniques** and indicative measurements **must** therefore **be taken into account in the assessment regarding the exceedances of the limit values**. If these two methods show that there are exceedances that meet the criteria of point B of Annex III (in particular: representativeness and a non-negligible exposure of the population to pollution), then it may be decided that the Air Quality Directive was not respected.*
- *Otherwise assessments would have the **strange consequence** that there is **no problem when the fixed monitoring network would not detect a problem**, while on the basis of available information from **modeling** and / or indicative measurements **it is known that there are limit value exceedances** that have an impact on public health.*

TWO DIFFERENT perspectives to look at this COURT decision

1. *“The model is creating (a lot of) extra exceedances. This gives us a lot of extra work. We have to take measures and make plans at locations and air quality zones which were not flagged before.”*
2. *“Thanks to the model we now have to recognize these exceedances seriously and make sure we take proper action to improve impact on public health everywhere.”*

IMPLICATIONS FOR FAIRMODE?

- By this court decision modelling applications in BE obtained a formal status, comparable to fixed monitoring stations
- FAIRMODE should be happy
 - but are we ready for that?
 - We don't have a CEN standard for the MQO
 - We don't have a clear definition of a model's fitness-for-purpose
 - ...
- So: let's make sure we have this framework in place as soon as possible!

