

Brussels, 6 November 2013
Case Nos: 70550, 70784
Event No: 641736
Dec. No: 427/13/COL

EFTA SURVEILLANCE
AUTHORITY

Ministry of the Environment
Myntgata 2
PO Box 8013 Dep
N-0030 Oslo
Norway

Dear Sir or Madam,

Subject: Letter of formal notice for non-compliance with the limit values for NO₂, PM₁₀ and SO₂; and for non-compliance with the action plan obligation and measurement obligations in Directive 2008/50/EC

1 Introduction

By letter dated 4 November 2011, the EFTA Surveillance Authority (“**the Authority**”) informed the Norwegian Government that it had received a complaint against Norway regarding alleged non-compliance with the limit values set out in EEA legislation on ambient air quality¹. The complaint came from the Norwegian Asthma and Allergy Association (*Norges Astma- og Allergiforbund – NAAF*), a charity organisation for people with asthma, allergies and other types of hypersensitivities. Concurrently, the Authority had opened an own initiative case on this issue.

According to the obligations set out in Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe² (“**Directive 2008/50**”) Norway must ensure that emissions of a number of pollutant gases, including sulphur dioxide (SO₂), particulate matter (PM₁₀) and nitrogen dioxide (NO₂) do not exceed prescribed levels. Further, it is required to report any exceedances of the limit values and/or target values of those gases on an annual basis. Directive 2008/50 entered into force on 1 November 2012. Prior to that date, and before they were repealed by Directive 2008/50, identical obligations existed under Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management³ (“**Directive 96/62**”) as well as its daughter Directives (together the “**Ambient Air Quality Directives**”).

In its request for information dated 2 November 2011⁴, the Authority provided a summary of limit value exceedances for these gases between 2005 and 2010 as reported by Norway

¹ Event no 614314.

² The Act referred to at point 14c in Annex XX of the Agreement on the European Economic Area. The Act was incorporated into the EEA Agreement by Joint Committee Decision No. 121/2011 of 21 October 2011, and entered into force on 1 November 2012.

³ The Act was incorporated into the EEA Agreement by Joint Committee Decision No. 76/98 of 31 July 1998, which entered into force on 1 January 1999 and was repealed by the entry into force of Directive 2008/50.

⁴ Event no 613300.