

Department for Environment, Food and Rural Affairs (Defra)

AQF 8/06

EUROPEAN ISSUES

Negotiations on the new Air Quality Directive

1. The Forum took a paper at the last meeting summarising the Commission's proposals for a new air quality Directive¹, and outlining some of the issues raised in the course of those negotiations. There have been a number of developments since.
2. The Parliament and Council consider such proposals separately:
 - a. European Parliament's Environment Committee adopted a formal recommendation in June. The Plenary 1st Reading vote will be in September.
 - b. The Council agreed a 'general approach' at June Environment Council; 'political agreement' is likely at the October Environment Council. The Council's 'common position' is likely to be published later this year, once the text has been translated into all Community languages.
 - c. Depending on how much differences there may turn out to be between Parliament and Council, the Directive is likely to be adopted in about summer 2007.
3. Until the positions firm up, some uncertainty will remain about the precise provisions but there seems to be a measure of agreement on a number of major points:
 - a. Directive is likely to maintain the numerical values and compliance dates for existing limit values.
 - b. But will introduce a provision that would allow a Member State longer to comply, under some limited circumstances.
 - c. There are new rules on where limit values apply that remove some anomalies in present legislation.
 - d. There are new provisions on regulating fine particles (PM_{2.5}). They include establishing the new approach – 'exposure reduction' – that is likely to provide the most effective policy driver for improving public health by protecting from particles in the air.
 - e. Provisions on PM_{2.5} will be reviewed in 2013 with a view to establishing a legally binding obligation for 'exposure reduction' to replace the current non-mandatory provisions that require a 20% reduction between 2010 and 2020.
 - f. There is also likely to be a limit value for PM_{2.5} somewhere in the range 20 – 25 µg/m³ to be met in either 2010 or 2015 (this is an area where the Parliament and Council have different views on numbers and dates).

¹ Com (2005) 447

Review of the National Emission Ceilings Directive under CAFE

4. The Clean Air for Europe (CAFE) programme was one of the thematic strategies established under the 6th Environmental Action Programme. The initial outputs were the Commission's Strategy on Air Pollution², and the proposals for the new Air Quality Directive. The Commission has now started what amounts to a second stage of the CAFE process with work to review the National Emission Ceilings Directive³.
5. The administrative structure for the project is broadly similar to that for the first stage with a Steering Group of Member States and other interested parties. Work has just begun on the analysis that will underpin any recommendations. Papers going to the Steering Group and other committees are available on the CIRCA website⁴.

Other current negotiations that affect air quality

6. Negotiations are underway on the proposal for new standards for emissions from cars and light good vehicles (EURO 5).

Transposition and implementation

7. The Sulphur Content of Marine Fuels Directive (2005/33/EC) should have been transposed by 11th August 2006. The transposition process has been split with the Marine Coastguard Agency now taking responsibility for those parts of the Directive dealing with marine fuel, in order to ensure consistency with equivalent measures under the International Maritime Organisation MARPOL convention. Defra have begun consultations on the very minor changes to the land-based provisions⁵ (and a consolidation of the regulations) with a closing date for responses of 20 October 2006.
8. The 4th Air Quality Daughter Directive (2004/107/EC) requiring monitoring of four heavy metals and PAHs has been published in the Official Journal. Member States have until 15 February 2007 to complete transposition. Defra and the Devolved Administrations and Gibraltar will be issuing consultation papers in September/October on how the UK proposes to transpose.
9. These consultations will also seek views on a consolidation of the regulations that transpose the other Daughter Directives. These regulations have been amended several times and this provides an opportunity to ensure consistency between the various provisions. The consolidation will not change, or add to, existing obligations under the present regulations.
10. Directive 2004/42/EC has been transposed. It will reduce solvent (ozone precursors) levels in household paints and varnishes and, products used for vehicle repair and re-spraying. The new standards for paints come into force in 2007 and 2010. Ministers have accepted the case for giving effect to the derogation provided for in the Directive to exclude paints used for historic buildings and vehicles. Proposals for consultation will be published later this year.

² COM (2005) 446

³ See http://ec.europa.eu/environment/air/rev_nec_dir.htm

⁴ <http://forum.europa.eu.int/Public/irc/env/Home/main>

⁵ See <http://www.defra.gov.uk/corporate/consult/sulphurcontent-marinefuels/index.htm>

Revised Large Combustion Plants Directive

11. In December 2005 we announced that we intend to implement the Directive using a "combined approach" of emission limit values and a National Emission Reduction Plan (NERP) based on the "common stack" definition. This provides industry with the much needed certainty and the recommended time of two years to carry out corporate planning by the compliance date of 1 January 2008.
12. We worked closely with stakeholders in developing the "combined approach" and we gave stakeholders a choice on whether they would rather be in a NERP or use emission limit values. We worked with the European Commission for better implementation in order to meet socio-economic concerns of industry and to meet the security and diversity of energy supply concerns while meeting the environmental objectives of the Directives. This has had a positive outcome. The Commission accepted the "combined approach" as the best way forward.
13. As required by the European Commission, the UK submitted on 28 February 2006 its final national plan to the Commission setting out how it intends to implement the LCPD. The Commission has until 6 September 2006 to evaluate the UK national plan; at the time of writing, no formal evaluation had been received. The Environment Agency, Scottish Environment Protection Agency and Environment and Heritage Services of Northern Ireland are working with industry to prepare for implementation. Industry has begun making its investment decisions. In consultation with its LCPD Stakeholders' Group, Defra is developing proposals for setting up the NERP with a view to formal consultation around the end of this year.

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