

EUROPEAN ISSUES

Negotiations on the new Air Quality Directive

1. The European Council reached political agreement on the Directive in October 2006. This first reading position must now go back for second reading in the European Parliament. It is expected that the new Directive should be in force in mid to late 2007.
2. 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:
 - the Directive is likely to maintain the numerical values and compliance dates for existing limit values;
 - but will introduce a provision that would allow a Member State longer to comply, under some limited circumstances;
 - there are new rules on where limit values apply that remove some anomalies in present legislation;
 - 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;
 - 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; and
 - 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).

Review of the National Emission Ceilings Directive under CAFE

3. 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 Pollution¹, 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 Directive². The Commission expect to publish a draft Directive in summer 2007.
4. The administrative structure for the preparation of the Directive is broadly similar to that for the first stage with the Commission consulting a working group of Member States and other interested parties (known as NECPI). Details of the work underpinning the review of the NECD and all NECPI papers are available on the CIRCA website³.

¹ COM (2005) 446

² See http://ec.europa.eu/environment/air/rev_nec_dir.htm

³ http://forum.europa.eu.int/Public/irc/env/cafe_baseline/library?l=/necd - 200181ec/revision_necd_2005&vm=detailed&sb=Title

5. The Commission's contractors (IIASA) have completed the long process of incorporating Member State emission projections into the RAINS model, which will provide much of the evidence base for the Commission's proposal. The so-called baseline scenarios for 2020 (i.e. an estimate of what current legislation and policy will achieve) were presented at a workshop at the end of September.
6. IIASA are now working to produce the first analysis of potential scenarios to reduce the effects of air pollution across Europe in a cost effective way. There will be several iterations of this work over the next six months, all of which will be published on the Circa website, and discussed in NECPI. At the end of this process the Commission will use the analysis to inform (but not constrain) their proposal. Negotiations will follow with agreement on a final Directive unlikely before the end of 2008.

Other current negotiations that affect air quality

7. Negotiations are underway on the proposal for new standards for emissions from cars and light good vehicles (EURO 5). Update to be provided under item 5 of today's agenda.

Transposition and implementation

8. 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 recently finished consultation on the very minor changes to the land-based provisions⁴ (and a consolidation of the regulations) (consultation closed 20 October 2006).
9. 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 issued its consultation paper on 1 September, and the Devolved Administrations and Gibraltar are expected to issue parallel consultation papers shortly, on how the UK proposes to transpose.
10. 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.
11. 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.

Revised Large Combustion Plants Directive

⁴ See <http://www.defra.gov.uk/corporate/consult/sulphurcontent-marinefuels/index.htm>

12. As required by the European Commission, the UK submitted on 28 February 2006 its final national plan to the Commission. This sets out how we intend to implement the LCPD under the “combined approach” we had confirmed with the European Commission which enabled operators to choose between the Directive’s emission limit values and participation in the National Emissions Reduction Plan (NERP).
13. In a letter dated 4 September 2006, the European Commission confirmed that the submitted plan contains the main elements of the Directive’s requirements, but asked for further technical details in respect of a small number of the plants and sought confirmation of a few other aspects of the plan. These matters are currently receiving attention through a consultancy arrangement and the UK will be responding around the end of this year, addressing also the Commission’s observations about the subjection of an aluminum smelting plant to the Directive. Meanwhile, arrangements for the implementation of the NERP have been discussed with stakeholders and a consultation on draft secondary legislation for that purpose will be launched early in the New Year.

Defra
November 2006