

## EUROPEAN ISSUES

### *Negotiations on the new Air Quality Directive*

1. The European Council reached political agreement on the Directive in October 2006. This Common position text must now go back to the European Parliament for second reading but delays during translation has prevented its early transmission. It is now expected that it will be sent to the EP Environment Committee on 23 April. They will need a minimum of 3 months to consider the document. It is therefore a possibility that a second reading will be delayed until after summer break.
2. Until the positions firm up, some uncertainty still remains. However, there is 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<sub>2.5</sub>). 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<sub>2.5</sub> 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 an annual average limit value for PM<sub>2.5</sub> somewhere in the range 20 – 25 µg/m<sup>3</sup> 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 6<sup>th</sup> Environmental Action Programme. The initial outputs were the Commission’s Strategy on Air Pollution<sup>1</sup>, 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 Directive<sup>2</sup>. 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). Two CAFE Steering Group meetings, accessible to a wider range of stakeholders, are planned. Details of the

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<sup>1</sup> COM (2005) 446

<sup>2</sup> See [http://ec.europa.eu/environment/air/rev\\_nec\\_dir.htm](http://ec.europa.eu/environment/air/rev_nec_dir.htm)

work underpinning the review of the NECD and all NECPI papers are available on the CIRCA website<sup>3</sup>.

5. The Commission's contractors (IIASA) have completed the long process of incorporating Member State emission projections into the GAINS 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. One of the main bones of contention is whether to use Member State projections or those derived from a pan-European model (known as PRIMES).
6. IIASA have now produced the first analysis of potential scenarios to meet the Thematic Strategy objectives to reduce the effects of air pollution across Europe in a cost effective way. There will be two further 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. Agreement on a final Directive seems unlikely much 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 land based elements of the Sulphur Content of Marine Fuels Directive (2005/33/EC) have been transposed by the Sulphur Content of Liquid Fuels (England and Wales) Regulations 2007 No79 , which came into force on 16 February 2007. Marine Coastguard Agency is responsible for transposing those parts of the Directive dealing with marine fuel to ensure consistency with equivalent measures under the International Maritime Organisation MARPOL convention.
9. The 4<sup>th</sup> Air Quality Daughter Directive (2004/107/EC), which requires monitoring of four heavy metals and PAHs, were transposed by the Air Quality Standards Regulations 2007 No 64 which came into force on 15 February 2007. The devolved administrations are each making parallel regulations, subject to Welsh Assembly Committee hearings in the case of Wales; and subject to elections in Northern Ireland and in Scotland. In Gibraltar the Gibraltar Act that gives effect to the Directive is expected to be in place within a similar timetable.
10. The Air Quality Standards Regulations 2007 also consolidate the Air Quality Limit Values (England) Regulations 2004 that transposed the first three air quality Daughter Directives and also gave effect to Article 2 of the Public Participation Directive. Those regulations have been amended several times and the consolidation 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. The National Emissions Ceiling Directive 2001/81/EC which sets national ceilings for emissions of SO<sub>x</sub>, NO<sub>x</sub>, ammonia and VOCs was transposed in the UK in 2002. A national programme for the UK was produced, as required under the Directive, to

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<sup>3</sup> [http://forum.europa.eu.int/Public/irc/env/cafe\\_baseline/library?l=/necd - 200181ec/revision\\_necd\\_2005&vm=detailed&sb=Title](http://forum.europa.eu.int/Public/irc/env/cafe_baseline/library?l=/necd - 200181ec/revision_necd_2005&vm=detailed&sb=Title)

set out how the UK would meet national ceiling by the compliance date of 2010. The Directive also requires Member States to update their national programmes by 31 December 2006. The UK updated its national programme in autumn 2006 and, following consultation, submitted the updated national programme to the Commission. (The updated national programme can be found in Defra's Air Quality pages under the NECD web-page.)

### ***Revised Large Combustion Plants Directive***

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. The UK responded on 2 February 2007. Meanwhile, arrangements for the implementation of the NERP have been discussed with stakeholders and a consultation on draft secondary legislation for that purpose was launched on 27 February 2007.

### ***Review of the IPPC Directive***

14. The European Commission is conducting a review of the IPPC Directive. One batch of consultancy studies has been completed and another is in progress. Full details, including the consultancy reports and Member State comments thereon, can be found at [http://forum.europa.eu.int/Public/irc/env/ippc\\_rev/library](http://forum.europa.eu.int/Public/irc/env/ippc_rev/library) . Notable for air quality amongst this material is the report on "Technical Review" which contains a detailed consideration of the case for including combustion plants below 50 MWth in IPPC, and the "Streamlining" report which presents "scenarios" in which the requirements of IPPC and of the "sector" Directives on large combustion plants, waste incineration and solvents could be brought together to varying extents. UK interests are being kept informed through the IPPC Sounding Board – see <http://www.defra.gov.uk/environment/ppc/envagency/meetings/index.htm>.

Defra  
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