

AIR QUALITY FORUM 16 JANUARY 2008 - EU UPDATE

New ambient air quality directive

1. We expect the new Directive to be formally agreed by Council and come into force by May 2008. The European Parliament voted in December to accept compromise text following the third trialogue between the European Parliament, the Commission and the Council. Member States will have 2 years to transpose the Directive.

2. The second reading agreement represents a good outcome, balancing new controls for fine particles to benefit public health with compliance flexibility for meeting limit values which all Member States have been struggling to achieve. Though the amendments have added some complexity to the Common Position, the PM_{2.5} limit value was maintained at 25 µg/m³. The EP was pressing for much tighter controls over PM_{2.5} but most MS had serious concerns over the achievability of this given the current uncertainty about background concentrations of this pollutant.

3. The new directive consolidates existing air quality legislation but there are new elements also:

- a new framework for the control of fine particles PM_{2.5} which will be reviewed by the C'n in 2013. This is now quite complex but the key elements are a **limit value** of 25µgm³ to be met everywhere by 2015 (with a target date of 2010), with a second stage 'indicative' limit value of 20 µg to be met by 2020. These are intended as 'backstops' to provide minimum protection for all. The driver for reductions is intended to be the exposure reduction target for urban background areas to be achieved by 2020. The % reduction required depends on the initial average concentration in urban background areas across the MS but is expected to be 15% for the UK based on current figures. Following negotiations with the EP there is now also an exposure concentration **obligation** of 20µgm³ to be met as an average across urban background by 2015.

- compliance flexibilities for PM₁₀ (3 yrs from coming into force – i.e. to 2011) and NO₂ (5 yrs, to 2015) subject to MS's putting forward detailed plans setting out how the LV's will be achieved in the extended timeframes. Subject to public consultation, the UK expects to submit such plans for PM₁₀ and NO₂. **The UK will need to demonstrate action beyond that agreed in the Air Quality Strategy if we are to achieve full compliance with EU limit values.**

- clarification that only manmade sources of pollution can be addressed, through allowing reductions for natural sources.

- compliance with limit values will not be assessed where the public does not have access and there is no fixed habitation, or on the carriageway and central reservation of roads.

4. A Commission statement, to be published at the same time as the new directive, sets out Commission proposals that are expected to be published in 2008:

- a new national emissions ceilings directive, setting 2020 ceilings for key transboundary pollutants including particulate matter. Expected mid-2008;

- proposals to reduce emissions associated with refuelling of petrol cars at service stations

- proposals to address the sulphur content of fuels including marine fuels.

National Emissions Ceilings Directive

5. In relation to the 2010 ceilings, the latest projections reported to the Commission show that the UK needs to consider taking further action if we are to meet the NO_x ceiling. On the new Directive, discussions so far have been confined to expert groups. Member States, including the UK are concerned about the robustness of the energy projections used by the Commission so far. The UK has been pressing the Commission to use national projections in their modelling as well as those generated by PRIMES. It is not clear that the Commission will consult any further on the modelling underpinning their proposal. Previous modelling has produced figures that would be challenging for the UK if they were to be adopted as legally binding ceilings.

Industrial emissions (integrated pollution prevention and control) Directive

6. The European Commission published on 21 December 2007 its proposal for a Directive which would incorporate the provisions of seven separate current Directives: those on IPPC, large combustion plants, waste incineration, solvent emissions and three on the titanium dioxide industry. The proposal and accompanying impact assessment are at <http://ec.europa.eu/environment/ippc/index.htm> . This publication follows a two-year review of the IPPC Directive and the other Directives involved, to which the UK has actively contributed. Defra is currently assimilating the large amount of material in this publication.

7. Notable features relating to air quality are proposals for strengthening the BAT basis of regulating industrial emissions and bringing smaller combustion plants (above 20 MW, rather than the current threshold of 50 MW) into IPPC. The “minimum requirements” in respect of emissions limit values to be applied to large (>50 MW) combustion plants are also proposed to be significantly tightened, although perhaps not until 2016, some four years after

the earliest date on which the revised Directive in general can reasonably be expected to take effect.

8. Provisions in respect of solvent emissions and waste incineration would remain substantially unchanged, as would much of the IPPC Directive, including the range of activities covered. But the Commission considers that combining the seven Directives into one would represent a significant step forward in terms of simplification and better regulation. The UK welcomes that in principle, although the detail will need to be assessed.

Consultation on Plans / Programmes to Meet Limit Values In Relation to Exceedences In 2005

9. Defra has submitted to the Commission UK plans/programmes to meet limit values in relation to exceedences in 2005. Where limit values plus margins of tolerance where applicable, are exceeded, a MS must produce plans and programmes to ensure compliance within the required timescale. Plans and programmes must be submitted no later than 2 years after the end of the year during which exceedences were observed. The plans/programmes represent existing government policies and in particular draw on the new AQS.

Consultation On A Licensing Scheme For The Sale And Purchase Of Non-Compliant Paints For Use On Historic Buildings And Vintage Vehicles

10. A public consultation closed on 12 December. Work will now focus on considering responses and issues raised.

AEQ
January 2008