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## **NEW CONTROLS ON PARTICULATE MATTER WITHIN THE PROPOSED DIRECTIVE ON AMBIENT AIR QUALITY AND CLEANER AIR FOR EUROPE**

The proposed Ambient Air Quality and Cleaner Air for Europe Directive (AAQD) builds upon important previous air quality initiatives including the Air Quality Framework Directive and its first three daughter Directives. It combines these Directives and related Guidance into a single Directive, but most significantly it introduces new proposals to limit and reduce human exposure to fine particulate matter (PM<sub>2.5</sub>) and sets conditions where Member States may be granted flexibility in meeting air quality requirements.

We believe the AAQD proposal had inadequate prior consultation with Member State and stakeholders experts (especially on PM controls).

The AAQD is subject to the Co-decision process, and in this regard, UNICE wishes to highlight the following key points:

### **European industry is playing its part in the Commission's efforts to improve air quality but is concerned about the consequences of other sectors not delivering their share of emission reductions:**

- industry is already highly regulated under current legislation, some of which is still to be fully implemented and show its full impact, e.g. the Integrated Pollution Prevention and Control Directive and Directives controlling emissions from new road vehicles;
- although additional industrial and road transport measures are expected, it is important to recognize that the new elements within the proposed AAQD rely very significantly on action by other sources of air pollution including domestic heating (coal and wood burning) and agriculture; and
- industry fears that if unreasonable expectations are set for these other sectors or if they are not implemented in practice, industry will be expected to compensate at escalating cost and further competitive disadvantage, even closure.

### **The AAQD, and the new elements it contains, has been drafted in very difficult circumstances:**

- significant time pressures within the Commission in the latter part of the CAFE programme;
- there are major uncertainties concerning detrimental health effects and monetized benefits – especially in the cases of PM<sub>2.5</sub> and ozone.
- widespread problems in meeting existing daily PM<sub>10</sub> Air Quality Limit Values (AQLVs), especially where adverse weather conditions prevail for long periods, and/or there is a significant contribution from neighbouring countries or from natural sources.

The Commission's Scientific Committee on Health and Environmental Risk (SCHER) also recognizes there are significant gaps in knowledge.

**We support improved flexibility in relation to both compliance with existing air quality limit values and the proposed PM<sub>2.5</sub> cap as this facilitates more cost-effective investments to improve air quality.** In particular where:

- this will allow focus on the most efficient ways to reduce people's exposure to pollution and will help avoid investing large sums of money simply to target hot spots, regardless of exposure;
- important contributions to national air pollution levels are beyond the control of a Member State e.g., Saharan sandstorms and transboundary pollution; or
- all reasonable emission control measures have been taken.

This is particularly relevant as many Member States continue to have difficulty meeting existing daily PM<sub>10</sub> AQLVs – adverse weather in early 2006 has resulted in some cities being out of compliance as early as February.

**We question the introduction of a mandatory PM<sub>2.5</sub> Concentration Cap because:**

- there is insufficient information to judge the impact of the proposed concentration cap in limiting exposure to PM<sub>2.5</sub> or what controls it will imply;
- there is very significant uncertainty about whether significant reductions in agricultural emissions and emissions from domestic wood burning can be achieved in practice; and
- in any case, PM<sub>2.5</sub> is already being controlled indirectly through PM<sub>10</sub> legislation and other legislation controlling the PM<sub>2.5</sub> precursors - SO<sub>x</sub>, NO<sub>x</sub>, VOCs and NH<sub>3</sub>.

Regulation of PM<sub>10</sub> automatically includes the smaller PM<sub>2.5</sub> particles. Indeed much of the PM<sub>2.5</sub> data used to develop these proposals has been derived from PM<sub>10</sub> data.

**We question the introduction of the proposed PM<sub>2.5</sub> exposure reduction target because:**

- setting a uniform target for all Member States contradicts the more cost-effective EU-wide approach identified within CAFE, which would require different targets in each Member State;
- the Commission has not provided an adequate assessment of the feasibility of attaining the proposed 20% uniform PM<sub>2.5</sub> exposure reduction target in each Member State especially given:
  - a. that all reasonable mitigation may have already been taken at Member State level; and
  - b. the consequences should emission reductions from agricultural and domestic wood burning not be achieved; and
- a 20% PM<sub>2.5</sub> exposure reduction targets will result in unknown additional costs at Member State level as they have not been assessed within the TSAP Impact Assessment.

Article 30 states that within 5 years the Commission will review exposure reduction obligations taking account differing future air quality situations and reduction potentials in Member States. It would seem more sensible to consider the need for additional action at the review stage than introduce a uniform reduction at the present time.

**We disagree with the wording of Review Article 30 as it would require the Commission to “propose a detailed approach to establish legally binding exposure reduction obligations.”**

- it is entirely premature to presuppose that these exposure reduction obligations should be legally binding;
- it could oblige/pressurise the Council and Parliament to accept legally binding exposure reductions in the future; and
- a decision on any appropriate revision should be made after considering a range of options and a detailed impact assessment.

**Recommendations:**

1. Retain compliance flexibility as outlined within the current text, particularly in Article 13 (3), Article 19 (1 &2) and Article 20 (1 & 2).
2. Consider whether the 25 µg/m<sup>3</sup> Concentration Cap for PM<sub>2.5</sub> is strictly necessary given existing PM<sub>10</sub> controls, and if it is to be retained in the proposal make it non-mandatory.
3. Improve EU PM<sub>2.5</sub> measurement and emissions data.
4. Establish new European research to identify the relationship between air quality and human health that is relevant to future air quality in the EU as well as seeking to identify any causal factors.
5. Reject the 20% uniform PM<sub>2.5</sub> exposure reduction target proposal and instead ask the Commission to review the approach to exposure reduction, consulting with Member State and stakeholders’ experts on options to reduce human exposure to PM<sub>2.5</sub> that:
  - are consistent with the cost-effective EU-wide approach developed within CAFE (implying different targets in each Member State);
  - take into account feasibility, costs and benefits in each Member State; and
  - are based on new and improved modelling capabilities (e.g. using updated energy projections and more than one meteorological year) and improved uncertainty analysis.
6. Revision of Review Article 30 and in particular removal of the words ‘legally binding’ from the text.

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