III

(Preparatory acts)

COMMITTEE OF THE REGIONS

108TH PLENARY SESSION, 6—8 OCTOBER 2014

Opinion of the Committee of the Regions — The Clean Air Policy Package for Europe

(2014/C 415/06)

Rapporteur
Cor Lamers (NL/EPP), Mayor of Schiedam

Reference documents
Communication from the Commission on a Clean Air Programme for Europe
COM(2013) 918 final
Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants
COM(2013) 919 final — 2013/0442 (COD)
COM(2013) 920 final — 2013/0443 (COD)

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

A. General comments

1. has taken note of the European Commission’s proposals for a new policy package for cleaner air in Europe and broadly supports them, welcoming in the main their approach to tackling sources of pollution (improving implementation of the test cycle for Euro 6 passenger vehicles, national reduction commitments for 2020 and 2030, regulating emissions from medium combustion plants, etc.);

2. points out that air pollution is a transnational phenomenon that must be tackled at European level, and also notes in this regard that the initiatives and new legislation proposed by the European Commission are in line with the subsidiarity and proportionality principles;

3. agrees with the European Commission that air pollution is a serious problem: it is the number one environmental cause of premature death in the EU, responsible for ten times the toll of road traffic accidents and is linked to respiratory and cardiovascular diseases, strokes and cancer. Air pollution is most prevalent in urban areas, where population density is also high, as well as in areas where the effects of emissions can lead to high concentrations of air polluting substances, as specific topographical features such as narrow transit routes or certain (river) valleys combine with prevailing weather conditions. Public health and the environment must continue to be at the heart of European air policy;
4. observes that air quality in Europe has continued to improve gradually over recent years, but that progress has been too slow. Many Member States will not be able to meet the standards on time, and 17 of them are currently subject to infringement proceedings;

5. welcomes the level of long-term ambition displayed by the Commission, but observes that, based on the proposed emissions policy, it will be about two generations before the people of Europe can breathe genuinely clean and healthy air. This is a point of considerable concern;

6. highlights the transnational nature of air pollution, and feels that the issue needs to be addressed using a multilevel approach in which each level of government (European, national, regional and local) takes its share of the responsibility. A holistic approach is necessary that takes into account polluter responsibilities, legal competences and a fair allocation of costs. All levels of governance have taken a multitude of measures to help improve local air quality over recent years, and are continuing to do so, but they require adequate financial support as well as effective policy and regulatory tools that deliver the intended results (e.g. Euro 6 emission standards). Local and regional action is important, but has only a limited positive (local) impact and often requires significant investment. Local authorities often have limited influence, limited resources and limited policy freedom. For the most part, European source-based policy and national regulations have much more impact in improving air quality, and are also usually more cost-efficient. Immissions requirements therefore need to be preceded by policy to tackle pollution at source;

7. refers to the Committee of the Regions' outlook opinion of 2012 on the review of EU air policy, which calls for attention to be paid to improving the workability of the policy, and therefore for an integrated approach, an ambitious European source-based policy, and links between immissions and emissions policies in terms of both ambitions and timeframes;

8. also draws attention to the key principles of the 7th Environment Action Programme and the associated Committee of the Regions opinion concerning better integration, better implementation and better coordination between layers of government when it comes to environment policy, and takes account of those principles in this opinion;

9. notes that the Commission's proposals involves practical measures with regard to policy to tackle pollution at source, but that the proposed deadlines mean that we will have to wait far too long to see the positive impact of that source-based policy. The proposed policy will not help Member States or sub-national authorities to meet the standards in the Ambient Air Quality Directive by the deadline. The Committee therefore concludes that there is still a considerable mismatch between European emissions and immissions policies. This needs to be resolved;

B. The communication

B.1 Mismatch between emissions and immissions policies

10. welcomes the fact that the European Commission has set its ambitions high and is striving, in the long term, for a situation where air quality no longer has (negative) effects on human health and ecosystems. The Commission quite rightly refers in this connection to the strict guidelines developed by the World Health Organisation, but does not set a deadline for this goal;

11. takes note of the Commission's observation that compliance with the Ambient Air Quality Directive is unsatisfactory: most Member States have not met the standards (on time), and 17 of them are currently subject to infringement proceedings. The Commission is therefore not going to revise the directive in the short term, but will focus on improving its implementation so that the existing standards are met everywhere by 2020 at the latest. Formally, however, nothing will change: the (legal) obligation to meet the existing targets is not being deferred;
12. highlights the fact that the greatest progress needs to come from European policy to tackle emissions at source. Over recent years, this policy has not produced enough of the desired impact. For example, emissions from a number of categories of vehicles have turned out in practice to exceed the European requirements for those categories; this includes real-world emissions from the newest category of vehicles covered by the Euro 6 standard. This causes major problems, particularly in urban areas and along transit routes. The Committee would point out, however, that in many cases policy and EU legislation have not been sufficiently ambitious;

13. broadly supports the European Commission's proposals with regard to source-based policy (improving implementation of the test cycle for Euro 6 passenger vehicles, reducing NECs, regulating emissions from medium combustion plants, etc.). Heavy-duty vehicles should be type tested by being operated in real traffic with emissions measured on board, with upper limits that should not be exceeded under any circumstances. The Committee also agrees that the existing and other planned source-based measures (such as the ecodesign directive, agricultural measures, the industrial emissions directive and the directive on non-road mobile machinery, including inland waterway vessels) can make a significant contribution to achieving the required reductions. To this end, it will be important in the coming years for the necessary ambitions to be demonstrated and translated into technical reference documents (BREFs);

14. regrets, however, that the proposed source-based policy is not synchronised with obligations under the Ambient Air Quality Directive in terms of either timeframe or ambition. The positive impact of this policy will not be felt soon enough. In its previous opinion in 2012, the Committee called for European immissions and emissions policies to be linked. The Commission has chosen to leave the revision of the Ambient Air Quality Directive until the source-based policy has done its job. However, the timeframes involved mean that it is expected to be 2020-2030 before source-based policy gradually produces positive effects, which suggests that the Commission's ambitious targets will not be reached until 2030-2050 at the earliest;

15. notes that, the European Commission has launched infringement proceedings against 17 Member States even though the timescales applied do not take enough account of how long it takes before source-based policies realise their effects. The Committee urges the Commission to be particularly careful when launching such proceedings, and to opt for a more constructive approach based on realistic timescales;

16. proposes an approach whereby Member States are given a longer conditional 'clean-up period' that takes account of the timescales in which the Commission's proposed source-based policy is expected to produce results. The conditions would include establishing a 'clean-up programme' comprising measures aiming to meet the immissions limits;

17. stresses that this proposal does not relieve Member States of their obligation to take measures. With due consideration for the principle of legal equivalence, the Commission could after all set conditions that fit in with those it applies (and has applied) when granting derogations (1). The aim is to ensure that the Member States in question do enough, in terms of policy and action, to meet the concentration limits set out in the Ambient Air Quality Directive by a reasonable deadline;

18. notes that the above-mentioned alternative approach differs from the transitional period of derogations as currently applied by the European Commission, in that it also takes account of the timescales in which the impact of the Commission's proposed source-based policy will be felt;

19. points out in this connection that local air pollution is caused by a combination of international, national, regional and local sources and their associated emissions. All levels of government bear responsibility, and the Committee therefore feels that Member States should draft 'clean-up programmes' in close cooperation with sub-national authorities. These plans may, for example, involve a Member State adjusting its national tax system to promote cleaner transport and discourage polluting transport. Sub-national authorities could then respond to this by, for example, introducing environmental zoning;

20. also considers it important to show restraint in launching infringement proceedings because such they can result in fines, and several Member States have, or are drafting, legislation that passes such fines on to local and regional authorities. In its 2012 opinion, the Committee of the Regions said that it considered the transfer of fines to local and regional authorities to be unjustified. With regard to air quality, there is considerable reciprocity between the responsibilities of various levels of government. It is unreasonable to focus, or impose fines, on just one level of government. It is also unjustifiable to place the responsibility on the level of government that has the least influence, given that, in many Member States, key decisions are made at national level;

B.2 Research, innovation, knowledge sharing and resources

21. points out that it stated, in its 2012 opinion, that it was important to investigate whether elemental carbon/black carbon might be a better indicator than PM2.5 and PM10 from a health perspective. The European Commission has not included a closer investigation of this type in its proposals. The Committee of the Regions continues to highlight the importance of further research in this field. In the Clean Air Programme, the European Commission does pay attention to black carbon and the Committee welcomes the commitment it makes: ‘In implementing the PM2.5 reductions, particular emphasis will be placed on reduction of black carbon (BC), the other major short-lived climate pollutant’;

22. welcomes the integrated approach advocated by the European Commission, and reiterates that it is very important to coordinate related policies such as climate and energy policy, economic and industrial policy, agricultural policy and transport policy;

23. notes that this integrated approach also has an impact on European funds. Better flexibility and prioritisation within European funds to promote air quality measures will make it easier to achieve air quality targets, and form a good response on the Commission’s part to the desire for an integrated approach. The Committee encourages local and regional authorities to be proactive in applying for European funds;

24. endorses the importance that the Commission has attached to innovation and the exchange of knowledge with regard to air quality, for example in the form of pilot schemes and the expansion of the local and regional air quality management toolbox;

25. notes that a significant proportion of air pollution is caused by motorised road transport. In line with the 2012 opinion, it is important to continue to support research into and promotion of alternative propulsion technologies such as plug-in hybrid vehicles, electric or hydrogen-powered vehicles, etc. The Committee would also point in this connection to the recommendations it made in its opinion on the CARS 2020 communication;

26. feels that it is important to ensure that these and other initiatives to improve air quality continue to receive adequate funding in future, for example via the Structural Funds, Horizon 2020 and Life;

C. Proposal for a directive on the reduction of national emissions of certain atmospheric pollutants

27. considers European policy on the reduction of national emissions of certain atmospheric pollutants to be a key tool in reducing air pollution within the EU. It promotes absolutely vital efforts to address key sources of pollution, such as agricultural and industrial emissions;

28. in that connection, supports the Commission’s proposal for new national reduction commitments for the Member States applicable from 2020 and 2030. This will be an important element in reducing (background) concentrations at local and regional level;

29. acknowledges the need to set new international objectives for 2020 via the revised Gothenburg Protocol, which also encourages countries outside the EU to pursue policies to improve air quality. However, the revision of the Gothenburg Protocol does not require any additional measures from the Member States before 2020, and additional reduction commitments are only envisaged for the longer term;

30. notes that this excludes the possibility of reducing pollutant emissions substantially in the near future, and means that local and regional authorities will not receive any additional support in achieving the emissions requirements in the Ambient Air Quality Directive until the impact of stricter national emissions requirements is felt;
31. strongly welcomes the provision of proposed Article 6 that Member States in their national air pollution control programmes have to assess to what extent national emission sources are likely to impact air quality in their territories and neighbouring Member States, and to take account of the need to reduce air pollutant emissions for the purpose of reaching compliance with air quality objectives in their territories and, where appropriate in neighbouring Member States. The CoR wishes this provision to be retained in the final Directive;

32. advocates the Commission proposal being sufficiently ambitious in respect of national emission reduction commitments for 2030. The Commission’s impact assessment shows that there is scope to cost-effectively secure a more ambitious proposal than that currently being envisaged. The Committee therefore calls for the proposed reduction commitments for 2030 at least to remain unchanged and calls for reduction commitments to be strengthened further where possible. Nevertheless, the necessary reduction commitments must be achievable and geared to the technological options that can be applied using viable economic criteria;

33. recommends setting interim targets for 2025 that are as binding as those for 2020 and 2030. This would provide an additional checkpoint, thus requiring Member States to start reducing harmful emissions in good time;

34. supports the proposed flexibility mechanisms, but stresses that they must not be used as an excuse for not intervening if the impact of the policy is disappointing;

D. Proposal for a directive on the limitation of emissions of certain pollutants into the air from medium combustion plants

35. supports the European Commission’s initiative proposing legislation laying down emissions requirements (for SO₂, NOₓ and particulate matter) for medium combustion plants with a rated thermal input between 1 and 50 MW, of which there are approximately 142,986 in the EU. This proposal provides a European legal framework for this category of combustion plants that has previously been lacking. The Commission proposal relates only to SO₂, NOₓ and particulate matter. The Committee calls on the Commission to examine whether CO emission requirements are advisable with a view to future legislation;

36. considers ambitious targets for medium combustion plants to be extremely important in achieving the targets in the national emission reduction commitments and the Ambient Air Quality Directive but also recognises the importance of changing energy sources from fossil fuels to, in some cases, biomass, introducing the mechanisms and systems necessary to reduce emissions produced by biomass combustion. It is therefore essential to lay down best available techniques. There are good examples available for new plants that make it possible to achieve strict emissions standards using primary measures, for example in natural-gas-fired boilers and turbines;

37. believes that it should be possible to consider the contribution to national net emissions of emissions from small and medium-sized energy-producing combustion plants with reference to the cost-effectiveness of emissions reductions;

38. expects EU air quality policy to provide predictability, a long-term approach and a natural coherence with climate and energy policy and other EU policies;

39. sees a need for greater clarity in Annex IV regarding the measurement frequency, parameters and measurement methods referred to in the directive. This information is crucial in order to allow for a discussion of feasibility, and thus of the emissions requirements in the directive;

40. points out that a number of Member States already have national legislation on medium combustion plants. In some cases the emissions requirements are stricter than the proposed European requirements, while in others they are not. In the interests of health and the environment, it is important to allow Member States that have stricter requirements to continue to enforce them;

41. considers it essential that the MCP directive takes account of cost-effectiveness when setting limit values for emissions such as particulates that would apply to both existing and new plants;
42. with a view to feasibility and proportionality, suggests looking into additional differentiation options, for example on the basis of capacity and the fuel used, certainly wherever the targets can only be met by using expensive end-of-pipe techniques and where costs fall more heavily on smaller types of plant. In the case of non-standard fuels (such as process gases and liquids, biogas, etc.) opportunities should be sought to adopt a more tailored approach. Given the major differences in underlying technology, the possibility should also be examined of differentiating between types of plant (for example gas turbine, combustion, boiler and other types). With a strict one-size-fits-all approach, there is a risk that requirements will sometimes be unnecessarily strict for certain types of plant.

43. notes that the proposed requirements on registration and monitoring may in some cases entail considerable (additional) administrative costs for authorities and businesses. This needs to be examined critically. One practical example relates to boilers, where a high measurement frequency would have little added value as they are less affected by ageing and fouling than e.g. engines.

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1


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<th>Text proposed by the Commission</th>
<th>CoR amendment</th>
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<tr>
<td>Member States shall, as a minimum, limit their annual anthropogenic emissions of sulphur dioxide (SO₂), nitrogen oxides (NOₓ), volatile organic compounds other than methane (NMVOC), ammonia (NH₃), particulate matter (PM₂.₅) and methane (CH₄) in accordance with the national emission reduction commitments applicable from 2020 and 2030, as laid down in Annex II.</td>
<td>Member States shall, as a minimum, limit their annual anthropogenic emissions of sulphur dioxide (SO₂), nitrogen oxides (NOₓ), volatile organic compounds other than methane (NMVOC), ammonia (NH₃), particulate matter (PM₂.₅) and methane (CH₄) in accordance with the national emission reduction commitments applicable from 2020, 2025 and 2030, as laid down in Annex II.</td>
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Reason

Interim targets for 2025 should be just as binding as those for 2020 and 2030. This is very important in helping to ensure that Member States actually meet the national emission reduction commitments for 2030 by that year. This amendment would need to be reflected in Annex II and elsewhere in linear reduction trajectories between the emission levels for 2020 and those defined by the reduction commitments set for 2030.

Amendment 2


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<td>Without prejudice to paragraph 1, Member States shall take all the necessary measures not entailing disproportionate costs to limit their 2025 anthropogenic emissions of SO₂, NOₓ, NMVOC, NH₃, PM₂.₅ and CH₄. The levels of those emissions shall be determined on the basis of fuels sold, by a linear reduction trajectory established between their emission levels for 2020 and the emission levels defined by the emission reduction commitments for 2030. Where the emissions for 2025 cannot be limited in accordance with the determined trajectory, the Member States shall explain the reasons in their reports submitted to the Commission in accordance with Article 9.</td>
<td>Without prejudice to paragraph 1, Member States shall take all the necessary measures not entailing disproportionate costs to limit their 2025 anthropogenic emissions of SO₂, NOₓ, NMVOC, NH₃, PM₂.₅ and CH₄. The levels of those emissions shall be determined on the basis of fuels sold, by a linear reduction trajectory established between their emission levels for 2020 and the emission levels defined by the emission reduction commitments for 2030. Where the emissions for 2025 cannot be limited in accordance with the determined trajectory, the Member States shall explain the reasons in their reports submitted to the Commission in accordance with Article 9.</td>
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Reason

Article 4(2) contains provisions for 2025, which are no longer relevant if binding interim targets have been set for that year.

Amendment 3


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<td>The Commission may adopt implementing acts specifying the detailed rules for the use of the flexibilities as referred to in paragraphs 1, 2 and 3, in accordance with the examination procedure referred to in Article 14.</td>
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Reason

With regard to the flexibility mechanisms, it is necessary (not just possible) to adopt an implementing act containing further details.

Brussels, 7 October 2014

The President of the Committee of the Regions
Michel LEBRUN