

II

(Preparatory Acts)

COMMITTEE OF THE REGIONS

64ND PLENARY SESSION, HELD ON 26 AND 27 APRIL 2006

Opinion of the Committee of the Regions on the Communication from the Commission to the Council and the European Parliament – Thematic Strategy on air pollution and on the Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe

(2006/C 206/01)

THE COMMITTEE OF THE REGIONS,

Having regard to the Proposal for a Directive of the European Parliament and of the Council on Ambient air quality and cleaner air for Europe (COM(2005) 447 final – 2005/0183 (COD)) and the Communication from the Commission to the Council and the European Parliament - Thematic Strategy on air pollution (COM(2005) 446 final);

Having regard to the decision of the European Commission of 21 September 2005, to consult it on the proposal for a Directive of the European Parliament and of the Council on Ambient air quality and cleaner air for Europe, under Article 175 and the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its president of 25 July 2005 to instruct the Commission for Sustainable Development to draw up the opinion on the subject;

Having regard to its opinion on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – Towards a thematic strategy on the urban environment (COM(2004) 60 final) - CdR 93/2004 fin ⁽¹⁾;

Having regard to its opinion of on the Communication from the Commission on The Clean Air For Europe (CAFE) programme: Towards a Thematic Strategy for air quality (COM(2001) 245 final) – CdR 203/2001 fin ⁽²⁾;

Having regard to the draft Opinion adopted by the Commission for Sustainable Development on 27 February 2006 (CdR 45/2006 rev. 1) (rapporteur: **Mr Jahn**, District councillor, Hohenlohe district council (DE/EPP));

Whereas:

- 1) Air pollution occurs primarily in conurbations, and cities therefore have a strong interest in expressing their views on the thematic strategy on air pollution submitted by the Commission.
- 2) The same applies to the proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe, particularly as the document proposes that the standards used to measure and assess fine particulate pollution be revised.

⁽¹⁾ OJ C 43, 18.2.2005, p. 35.

⁽²⁾ OJ C 107, 3.5.2002, p. 78.

- 3) Cities can, on the basis of their experience, make a significant contribution to improving the practicability and thus the success of clean-air policy.

adopted the following opinion at its 64th plenary session, held on 26 and 27 April 2006 (meeting of 26 April)

1. The views of the Committee of the Regions

The Committee of the Regions

1.1 **agrees** with the Commission that, despite the progress referred to in the thematic strategy, gaseous or particulate air pollution, which damages human health and the environment, must be further reduced and, as clean air policy has both a local and a cross-border dimension, this objective can be achieved only by means of a joint effort; by all players at local, regional, national and European level; **notes** that local authorities are pursuing their own top priority – public health – through town planning measures (separating residential and industrial areas; introducing traffic guidance and traffic calming measures; providing open spaces and green areas in housing zones; taking account of microclimatic conditions to improve the air circulation in housing zones);

1.2 **welcomes** the Commission document on the thematic strategy on air pollution and the proposal for a directive published simultaneously, as they provide a basis for a discussion of strategy and for updating objectives to take account of the most recent research findings;

1.3 **notes** that, from the point of view of cities, adjustments are in particular needed to improve the practicability of measures to combat air pollution at local level;

1.4 **points out** that cities, in their area of responsibility, have to strike a balance between the most diverse functions and must therefore accept limitations on their ability to achieve individual, sectoral objectives;

1.5 **urges** that European legislation provide for flexible solutions; **considers** that, in any measures that are taken, local and regional authorities should be given the opportunity to give priority to areas in which many people are exposed to an excessively high concentration of air pollution (e.g. residential areas);

1.6 **stresses** that, in relation to tackling air pollution, it is essential for the prevention of emissions to take priority and that the elimination of immissions must therefore be regarded only as a stop-gap solution; **points out** in particular that:

- the environmental targets set and the existing instruments to reduce emissions must be coordinated with each other

so that there is a realistic chance that these objectives can be achieved in most cities,

- adequate support measures must be taken at European level to facilitate effective implementation of the European Directives,

- the required European-level improvement in reduction technologies and the tightening of emissions standards for vehicles (e.g. Euro VI for heavy goods vehicles) must ensue in such a way that the air quality standards in the cities can be achieved,

- European-wide measures, such as an immediate revision of the NEC Directive (the Directive on National Emission Ceilings), are required to combat the extensive ambient levels of particles, which contribute quite considerably to the non-compliance with the limit in urban areas.

2. The Committee of the Regions' recommendations

2.1 *In relation to the thematic strategy*

2.1.1 **sees** in the thematic strategy a useful reference document for clean air policy-making, and argues that, with a view to the achievement of the objectives and to practicability, modelling should be carried out not only on the basis of epidemiological research findings and the full use of technological means, but also on the basis of assumptions regarding the practical applicability of the standards in an urban environment;

2.1.2 therefore **calls for** the research effort under the research Framework Programme to take account of the opportunities and limitations of active clean air policy in an urban and territorial context (for example by means of local case and feasibility studies) and therefore **asks** the Commission to incorporate this dimension into the document;

2.1.3 **laments** the fact that, in its view, the Commission has so far not adequately involved any representatives of the associations of local and regional authorities, which are the main protagonists of clean air policy, in drawing up the thematic strategy, and **considers it vital** that provision be made for their involvement, *inter alia* as part of the Commission's structured dialogue with associations of regional and local authorities;

2.1.4 **sees** at least **the danger** that the thematic strategy will be influenced too much by the tendency of clean air policy to focus on the elimination of immissions, and therefore **calls on** the Commission to continue the thematic strategy and to avoid an increase in pollution, to give priority to a prevention policy and not a policy geared towards the elimination of immissions;

2.1.5 **notes** that coordination with other sectoral policies, which is in principle welcome, is in some cases mentioned simply as a declaration of intent, and therefore calls for further clarification and definition in this area;

2.1.6 for the above reasons **considers it necessary** to continue the thematic strategy in the following ways:

- establishing an ambitious European policy to tackle the problem at source in industry, energy, traffic and transport;
- drawing up a timetable for implementing this policy;
- coordination with other sectoral policies;
- completing and extending research on air quality management practice.

Further clarification should be achieved through a discussion of financial support for local and regional authorities, which bear a major responsibility for implementing clean air policy;

2.1.7 **recommends** to the Commission and Member States that a more active policy be undertaken to promote district heating and the cogeneration of heat and electricity. This would also help to prevent air pollution caused by burning biomass in small-scale furnaces. Removing national barriers to district heating, such as for example those caused by competition legislation, is essential to efforts to improve local air quality. Ways of heating new homes and workplaces should already be determined during the land-use planning stage. The local level is frequently the best-placed to do this.

2.2 *In relation to the proposal for a directive*

2.2.1 **notes** that the updating of European law proposed by the Commission is in line with the conditions of, and requirements for, practical clean air policy, and therefore **asks** the bodies involved in the discussion at national and European level to endorse this assessment and, above all, to support the provisions aimed at greater flexibility and thus greater relevance to practical application;

Exclusion of components of pollutants and extensions of deadlines

2.2.2 particularly **welcomes** the introduction of provisions making it possible to take account of local conditions, and

calls on the European Parliament and the Council to resist arguments to the contrary and maintain:

- the proposal to exclude from the assessment of air quality the effect on particulate suspension levels of road-sanding in winter (Article 13(3)),
- the proposal to exclude from the assessment of air quality that part of air pollution which derives from natural sources (Article 19); **calls on** the Commission to adopt a clear guide or guidelines on the measurement of this type of pollution,
- and the proposal to allow exemptions from the requirements on account of particularly adverse (e.g. topographic) conditions (Article 20(2)),

as well as provide an option to postpone the Article 20 deadline to as much as ten years if it was demonstrated beforehand that all reasonable measures to reduce immissions had been taken;

2.2.3 **suggests** that the directive should make it legally possible for 'tripartite arrangements' (i.e. agreements reached by the EU, the Member State concerned and one or more local or regional authorities to implement integration measures in the light of specific local conditions) to be adopted in areas where unusual conditions (e.g. topography) in practice make it impossible to comply with the provisions in the long term, and if it was demonstrated beforehand that all reasonable measures to reduce emissions had been taken;

2.2.4 **justifies** the proposal to allow arrangements of this kind by the need to prevent legal uncertainty for local and regional authorities while striving for a reduction in pollutants which is achievable under the existing conditions, and **points out** in support of this proposal that some scientists and specialised authorities believe that the target values cannot be achieved in practice, however great the efforts made;

Measurement and assessment of fine particulates

2.2.5 **notes** that the Directive sets three limit values and one reduction target for fine particulates. The Commission supplements the existing fine particulates standards (PM₁₀) with further air quality standards (PM_{2.5}) which includes the finest particles, justifying this by reference to epidemiological research findings (CAFE programme, World Health Organisation, practice in the USA and Japan), according to which the finest particles are more dangerous because they can penetrate the smallest bronchioles of the lung and because relatively high, long-term exposure to PM_{2.5} is more damaging to health than occasional, very high exposure;

2.2.6 thus **notes** that, under the proposal for a directive, the existing PM_{10} limit values (in a given measurement area an annual average of $40 \mu\text{g}/\text{m}^3$ must not be exceeded, or a 24-hour limit value of $50 \mu\text{g}/\text{m}^3$ on more than 35 days in any calendar year) are to be supplemented by further, $PM_{2,5}$ -based values (annual concentration cap of $25 \mu\text{g}/\text{m}^3$ and a non-binding target of reducing ambient levels of $PM_{2,5}$ in urban areas by 20% by 2020), and **notes** that a total of three limit values and one reduction target are provided for fine particulates;

2.2.7 **fears** that this welter of clean air policy provisions regarding fine particulates reduction will create too many legal and practical problems and therefore, in the light of the convincing research findings on the effects of fine particulates referred to in the thematic strategy, **calls for** the measurement and monitoring of fine particulate air pollution to be geared exclusively to $PM_{2,5}$ with a realistic limit value and a reduction target;

2.2.8 also **points out** in this connection that there is (in the nature of things) a strong correlation between PM_{10} and $PM_{2,5}$ values (so that one measurement method can to a great extent be substituted for the other), that it is therefore appropriate to use one measurement method only and that preference should logically be given to the air quality objectives more relevant to clean air policy, namely $PM_{2,5}$. The revision of Directive 2004/107/EC should be taken into account, in order that the metals covered therein be measured using $PM_{2,5}$;

2.2.9 **justifies** the move to standards based on $PM_{2,5}$, in combination with a reduction target for fine particulates, for the following reasons connected with urban health requirements and planning practice:

- reducing ambient levels throughout an urban area does more to reduce health risks than eliminating peak values at particularly exposed points within the urban area, which are in any case often not residential areas;
- the current use of the daily limit value as the trigger for measures focuses practical clean air policy on the elimination of immissions, whereas the introduction of a ceiling on emissions will make it necessary to prevent emissions, with the involvement of all relevant bodies and measures;

2.2.10 if PM_{10} quality objectives are after all retained, **calls**, in the light of these considerations, for the daily limit value to

be dropped and standards to be adopted which place the emphasis of clean air policy, both locally and on a broader geographical basis, on the elimination of emissions;

Establishment of zones

2.2.11 **endorses** the provision of Article 4 of the proposal whereby zones will be established by the Member States; in designating such zones a broader approach should be taken rather than an over-detailed one; **calls** in this connection for measuring stations to be located in line with uniform criteria in order to safeguard the comparability of measurements taken across the EU (for existing measuring stations, the findings could, if necessary, be weighted to offset the impact of purely local factors). Rules should be laid down for the geographical and numerical distribution of measuring stations according to uniform criteria, both at national and local level;

2.2.12 **is concerned** in this connection that measures that apply only to the vicinity of the measuring point - traffic diversion for instance - may lead to increased pollution in other areas; in the worst case this may even frustrate the efforts of city authorities to reduce the accident risk and noise and air pollution in residential areas by means of traffic restrictions; in measures to cut air pollution, the directive should give priority to reducing the number of people that are exposed to it;

Solidarity-based financing

2.2.13 **calls for** financial support for those Member States and local and regional authorities which carry the main burden of clean air policy;

Research effort, involvement of representatives of local and regional authorities

2.2.14 **notes** with concern that scientific assessments of the most successful and cost-effective clean air policy still differ, and therefore **calls for** further research; study of the impact and effectiveness of policy in relation to practical implementation must be stepped up;

2.2.15 **urges** that experts from associations representing the interests of local and regional authorities be directly involved in the drafting of clean air policy.

Brussels, 26 April 2006

The President
of the Committee of the Regions
Michel DELEBARRE